

KING COUNTY
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

PUBLIC REVIEW DRAFT

MAY 6, 2011

SECTION 1. Ordinance 14111, Section 4, as amended, and K.C.C. 16.02.110 are each hereby amended to read as follows:

The International Building Code, ((2006)) 2009 Edition, with Appendix C, E and M, as amended in chapter 51-50 WAC, Appendix Z, as adopted by this title, and the International Residential Code for One- and Two Family Dwellings ((2006)) 2009 Edition, with Appendix F, G, H and K, ((2006)) 2009 Edition, as amended in chapter 51-51 WAC, as published by or jointly with the International Code Council, Inc., together with amendments, additions and deletions adopted in this chapter by reference, together with the State Building Code Act, chapter 19.27 RCW, and with King County modifications that are adopted and codified in this chapter are adopted as the King County building codes and may be cited as such and are referred to in this chapter as “this code.”

This code also may be further clarified and implemented with administrative rules adopted in accordance with K.C.C. chapter 2.98. (Ord. 15802 § 1, 2007: Ord. 14914 § 4, 2004: Ord. 14111 § 4, 2001. Formerly K.C.C. 16.04.011).

SECTION 2. Ordinance 10608, Section 314111, as amended, and K.C.C. 16.02.130 are each hereby amended to read as follows:

~~((Chapter 51-11 WAC, the Washington State Energy Code, ((2006)) 2009 Edition, effective July 1, 2007, and chapter 51-13 WAC, the Washington State Ventilation and Indoor Air~~

~~Quality Code, 2006 Edition, effective July 1, 2007, and t))~~ The King County modifications to the
((2003)) 2006 editions of the International Building Code, International Residential Code for One-
and Two-Family Dwellings, International Mechanical Code, International Property Maintenance
Code, and the Security Code are adopted as part of the code. (Ord. 15802 § 2, 2007: Ord. 14914 §
7, 2004: Ord. 14111 § 5, 2001: Ord. 12560 § 4, 1996: Ord. 10608 § 3, 1992. Formerly K.C.C.
16.04.050).

SECTION 3. Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240 are each
hereby amended to read as follows:

Section 105.2 of the International Building Code is not adopted and the following is
substituted:

Work exempt from permit (IBC 105.2). A building permit shall not be required for the
following:

Building:

1. One-story detached one and two family residential accessory buildings used as tool and
storage sheds, playhouses, tree supported structures used for play and similar uses, not including
garages or other buildings used for vehicular storage, provided the floor area does not exceed 200
square feet (11.15 m²) provided that the roof overhang does not exceed twenty-four inches
measured horizontally from the exterior wall.

2. One-story detached agricultural accessory buildings used as tool and storage sheds, not
including garages or other buildings used for vehicle storage, provided the floor area does not
exceed 200 square feet (11.15 m²) provided that the roof overhang does not exceed twenty-four
inches measured horizontally from the exterior wall.

3. Fences not over 6 feet (1.829 m) high.

~~((3.))~~ 4. Oil derricks.

~~((4.))~~ 5. Retaining walls which are not over 4 feet (1.219 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

~~((5.))~~ 6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 l) and the ratio of height to diameter or width does not exceed 2 to 1.

~~((6.))~~ 7. Platforms, sidewalks and driveways not more than 30 inches (.762 m) above grade and not over any basement or story below and which are not part of an accessible route.

~~((7.))~~ 8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

~~((8.))~~ 9. Temporary motion picture, television and theater stage sets and scenery.

~~((9.))~~ 10. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 l) and are installed entirely above ground.

~~((10.))~~ 11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

~~((11.))~~ 12. Swings and other playground equipment.

~~((12.))~~ 13. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R3, as applicable in Section 101.2, and Group U Occupancies.

~~((13.))~~ 14. Moveable cases, counters and partitions not over 5 feet 9 inches (228.6 m) high.

~~((14.))~~ 15. Re-roofing of existing buildings.

EXCEPTION: When replacement roofing adds more than 5 pounds per square foot cumulative dead load to the weight of the original roofing a permit shall be required.

65 ~~((15-))~~ 16. Submerged, freestanding mechanical boat lifts associated with single-family
66 residential piers and recreational watercraft not exceeding 25 feet in length or 15 feet in width with
67 no portion exceeding a height of 10 feet above the ordinary high water mark as defined in K.C.C.
68 ~~((25-08.350))~~ 21A.06.825.

69 ~~((16-))~~ 17. Work located primarily in a public way, public utility towers and poles.

70 ~~((17-))~~ 18. Mechanical equipment not specifically regulated in this code.

71 ~~((18-))~~ 19. Hydraulic flood control structures.

72 ~~((19-))~~ 20. Antenna and dishes that fall under FCC Antenna Rule 47 C.F.R including masts
73 under twelve feet above the roof line and dishes up to one meter in diameter.

74 Gas:

- 75 1. Portable heating appliance.
- 76 2. Replacement of any minor part that does not alter approval of equipment or
77 make such equipment unsafe.

78 Mechanical:

- 79 1. Portable heating appliance.
- 80 2. Portable ventilation appliances and equipment.
- 81 3. Portable cooling unit.
- 82 4. Steam, hot or chilled water piping within any heating or cooling equipment
83 regulated by this code.
- 84 5. Replacement of any part which does not alter its approval or make it unsafe.
- 85 6. Portable evaporative cooler.
- 86 7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of
87 refrigerant and actuated by motors of one horsepower (746 W) or less.

8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. 15802 § 7, 2007: Ord. 14914 § 22, 2004: Ord. 14111 § 10, 2001: Ord. 12560 § 10, 1996. Formerly K.C.C. 16.04.05005).

SECTION 4. Ordinance 14111, Section 118, as amended, and K.C.C. 16.12.010 are each hereby amended to read as follows:

The ((2006)) 2009 International Mechanical Code, with Appendix A, as amended in chapter 51-52 WAC effective July 1, ((2007)) 2010, as published by or jointly with the International Code Council, Inc, together with amendments, additions and deletions hereinafter adopted by reference, together with the state building code and with King County modifications which shall be adopted and codified in this chapter are adopted as the King County mechanical code and hereinafter referred to as “IMC.” (Ord. 15802 § 102, 2007: Ord. 14914 § 310, 2004: Ord. 14111 § 118, 2001).

SECTION 5. Ordinance 14111, Section 129, as amended, and K.C.C. 16.14.010 are each hereby amended to read as follows:

The International Property Maintenance Code, ((2006)) 2009 Edition, as published by the International Code Council, together with amendments, additions and deletions hereinafter adopted by reference, together with King County modifications which shall be adopted and codified in this chapter are adopted as the King County property maintenance code and hereinafter referred to as

“IPMC.” Chapter 8, Referenced Standards, is not adopted. (Ord. 15802 § 104, 2007: Ord. 14914 § 332, 2004: Ord. 14111 § 129, 2001. Formerly K.C.C. 16.16.010).

SECTION 6. Ordinance 6746, Section 5, as amended, and K.C.C. 16.32.030 are each hereby amended to read as follows:

A. Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 16 and Appendix A, B, and I of the Uniform Plumbing Code, ((2006)) 2009 Edition, as published by or jointly with the International Association of Plumbing and Mechanical Officials and as amended in chapters 51-56 WAC and 51-57 WAC, and the gas piping provisions of the International Fuel Gas Code, ((2006)) 2009 Edition, the National Fuel Gas Code, ((2006)) 2009 Edition (((2002)) 2009 ANSI Z223.1/ NFPA 54), the Liquefied Petroleum Gas Code, ((2004)) 2008 Edition (((2001)) 2008 NFPA 58) as amended in chapter 51-52 WAC, and the International Residential Code, ((2006)) 2009 Edition, as amended in chapter 51-51 WAC, are hereby adopted and together with King County amendments, additions and deletions adopted in this chapter are adopted as the King County Plumbing Code and may be cited as such and referred to in this chapter as "this code." This code shall have precedence over documents adopted by reference.

B. This code also may be further clarified and implemented by administrative rules adopted in accordance with K.C.C. chapter 2.98. (Ord. 15802 § 116, 2007: Ord. 10589 § 1, 1992: Ord. 9151 § 1, 1989: Ord. 8008, 1987: Ord. 6746 § 5, 1984).

SECTION 7. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are each hereby amended to read as follows:

A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply to the activities described in this section.

133 B. The following activities are excepted from the requirement of obtaining a clearing or
 134 grading permit before undertaking forest practices or clearing or grading activities, as long as those
 135 activities conducted in critical areas are in compliance with the standards in this chapter and in
 136 K.C.C. chapter 21A.24. In cases where an activity may be included in more than one activity
 137 category, the most-specific description of the activity shall govern whether a permit is required.
 138 For activities involving more than one critical area, compliance with the conditions applicable to
 139 each critical area is required. Clearing and grading permits are required when a cell in this table is
 140 empty and for activities not listed on the table.

KEY	O U T O F C R I T I C A L	A R E A A M I N E B U F F E R	C O S I O N H A Z A R D D	E R O S I O N H A Z A R D D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S B U I L D E R H A Z A R D	S E D I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E P S L O P E B U F F E R	H A Z A R D B U F F E R	C R I T I C A L A Q U I F E R	R E C H A R G E A R E A B U F F E R	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U F F E R A R E A	W I L D N E T W O R K A R E A	A N D N E T W O R K A R E A	
ACTIVITY																			
Grading and Clearing																			
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2			NP 1, 2								
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3			NP 3	NP 3			NP 3	NP 4 NP 23	NP 4 NP 23						
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5

<div>KEY "NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</div>	O U T A L O F C R I T I C A L R	A R E M I N E H A Z A R D	C O S I O N H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S B U I L D E R H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E P S L O P E B U F F E R	H A Z A R D B U F F E R	C R I T I C A L Q U I F F E R	R E C H A R A B L E A R E A B U F F E R	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U F F E R	W I L D N E T W O R K A R E A	A N D	
ACTIVITY																			
Emergency tree removal	NP ((6))	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
<u>Hazard tree removal</u>	<u>NP</u>																		
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7			NP 7	NP 8	NP 8	NP 8	NP 8	NP 8	NP 8	NP 8	NP 8
Non conversion Class I, II, III, IV-S forest practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads																			
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11							NP 11	
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12			NP 12	NP 12	NP 12	NP 12	NP 12	NP 12

<div><div>KEY</div><div>"NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</div></div>	O U T A L O F F C E R I T I C A L	A R E A M I N E H A Z A R D B U F F E R	C O S I O N H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S B U I L D I N G H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E A P S L O P E B U F F E R	H A Z A R D B U F F E R	C R I T I C A L A Q U I F E R	R E C H A G E A R E A B U F F E R	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U F F E R	W I L D N E T W O R K A R E A	
ACTIVITY																		
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities																		
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19

<div>KEY</div> <div>"NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</div>	O U T A L	A R E A M I N D E H A Z A R D	C O S I O N H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S B U I L D I N G H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E E P S L O P E B U F F E R	H A Z A R D B U F F E R	C R I T I C A L A Q U I F F E R	R E C H A R G E A R E A	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U F F E R	W I L D N E T W O R K A R E A	A N D	
ACTIVITY																			
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3									
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation areas																			

KEY "NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network		O U T F A C R I T I C A L	A R A M I N E B U F F A R D	C O A L F A M I N E H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S L I D E H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E E P S L O P E B U F F E R	H A Z A R D B U F F E R	C R I T I C A L A Q U A T I C A R E A	R E C H A R G E A R E A	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U F F E R	W I L D L I F E N E T W O R K A R E A
ACTIVITY																		
Maintenance of outdoor public park facility, trail or publicly improved recreation area		NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects																		
Habitat restoration or enhancement project		NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21
Drilling and testing for critical areas report		NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22	NP 22	NP 22	NP 22
Agriculture																		
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity		NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

KEY "NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network		O U T R E A T M E N T S	C O N D I T I O N S	E R O S I O N	F L O O D I N G	C H A N G E S	L A N D U S E	S E I S M I C	V O L C A N I C	S T E P S	H A Z A R D S	C R I T I C A L	R E C H A R G E S	W E T L A N D S	A Q U A T I C A R E	A N D B U F F E R	W I L D N E T W O R K A R E A
ACTIVITY																	
Grazing livestock		NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16
Maintenance of agricultural drainage	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Maintenance of farm pond, fish pond, livestock watering pond	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Other																	
Excavation of cemetery grave in established and approved cemetery		NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave		NP	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13
Maintenance of lawn, landscaping and gardening for personal consumption		NP	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13

KEY	O U T O F C R I T I C A L R	A R E A M I N I B U H F Z A E R	C O L S I O N H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S B U I D E H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E Z I C H A T I C A L E R	C R E T I L A N D S A G G R E A B U F F E R	W E T L A N D S A N D B U F F E R	A Q U I T I C F F E R A	A N D B U I F F E R A	W I L D N E T W O R K A	
ACTIVITY																
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP	NP 13	NP 13	NP 13	NP 13	NP	NP	NP

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection C.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:

a. regulated as a Class IV forest practice under chapter 76.09 RCW;

- b. in a critical drainage areas established by administrative rules;
- c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
- d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and 21A.38.230.
4. Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.
5. Limited to material at any solid waste facility operated by King County.
6. Allowed to prevent imminent danger to persons or structures.
7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.
8. Cumulative clearing of less than seven thousand square feet and either:
- a. conducted in accordance with a farm management plan, forest management plan or a rural stewardship plan; or
- b. limited to removal with hand labor.
9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and Title 222 WAC.
10. If done in compliance with K.C.C. 16.82.065.
11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, and is not

within or does not directly discharge to an aquatic area or wetland. For purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.

12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:

- a. slope stabilization or vegetation removal on slopes; or
- b. ditches that are used by salmonids.

13. In conjunction with normal and routine maintenance activities, if:

- a. there is no alteration of a ditch or aquatic area that is used by salmonids;
- b. the structure, condition or site maintained was constructed or created in accordance with law; and
- c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

14. If a culvert is used by salmonids or conveys water used by salmonids and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet.

15. If used by salmonids, only in compliance with an adopted farm plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of development and environmental services; or
- d. Washington state Department of Fish and Wildlife.

- 200 16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title 21A.
- 201 17. Only if:
- 202 a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- 203 b. conducted in accordance with best management practices in the Natural Resource
- 204 Conservation Service Field Office Technical Guide.
- 205 18. In accordance with a franchise permit.
- 206 19. Only within the roadway in accordance with a franchise permit.
- 207 20. When:
- 208 a. conducted by a public agency;
- 209 b. the height of the facility is not increased;
- 210 c. the linear length of the facility is not increased;
- 211 d. the footprint of the facility is not expanded waterward;
- 212 e. done in accordance with the Regional Road Maintenance Guidelines;
- 213 f. done in accordance with the adopted King County Flood Hazard Management Plan
- 214 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat
- 215 Guidelines Program, 2002); and
- 216 f. monitoring is conducted for three years following maintenance or repair and an annual
- 217 report is submitted to the department.
- 218 21. Only if:
- 219 a. the activity is not part of a mitigation plan associated with another development
- 220 proposal or is not corrective action associated with a violation; and
- 221 b. the activity is sponsored or co-sponsored by a public agency that has natural resource
- 222 management as its primary function or a federally-recognized tribe, and the activity is limited to:

(1) revegetation of the critical area and its buffer with native vegetation or the removal of noxious weeds or invasive vegetation;

(2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;

(3) hand labor except:

(a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or

(b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

22. If done with hand equipment and does not involve any clearing.

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.

(Ord. 16267 § 3, 2008: Ord. 15053 § 3, 2004).

SECTION 8. Ordinance 13964, Section 4, and K.C.C. 19A.04.020 are each hereby amended to read as follows:

Alteration: the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in ~~((modifications))~~ changes to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.

SECTION 9. Ordinance 13694, Section, and K.C.C. 19A.04.210 are each hereby amended to read as follows:

Lot: a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous state or local laws governing the subdivision, short subdivision or segregation of land.

SECTION 10. Ordinance 13694, Section 28, and K.C.C. 19A.04.270 are each hereby amended to read as follows:

Revisions: a change prior to final approval or recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels. (Ord. 13694 § 28, 1999).

SECTION 11. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070 are each hereby amended to read as follows:

A. A property owner may request that the department determine whether a lot was legally segregated. The property owner shall demonstrate to the satisfaction of the department that((;)) a lot was created((;)) in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created(~~(, including, but not limited to, demonstrating that the lot was created)~~) and that it meets following requirements:

1. The lot was created ((B))before June 9, 1937, and:

a. Before October 1, 1972 the lot was:

(1) conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or

(2) recognized as a separate tax lot by the county assessor; and

b. not later than January 1, 2000, the lot was provided with:

(1) approved sewage disposal;

(2) an approved water system; or

(3) a road, not including a forest road as defined in WAC 222-16-010 or in an easement for commercial road use for managing or hauling timber, that was:

(A) accepted for maintenance by the King County department of transportation; or

(B) located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed; ~~((and~~

~~b.(1) was conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase before October 1, 1972; or~~

~~(2) was recognized before October 1, 1972, as a separate tax lot by the county assessor;))~~

2. The lot was created between June 9, 1937 and October 1, 1972 through a review and approval process recognized by the county for the creation of four lots or less ~~((from June 9, 1937, to October 1, 1972, or))~~;

3. The lot was created on or after June 9, 1937 through the subdivision process ~~((on or after June 9, 1937))~~;

~~((3.))~~ 4. The lot was created on or after October 1, 1972 through the short subdivision process ~~((on or after October 1, 1972))~~; or

4. The lot was created through the following alternative means of lot segregation provided for by state statute or county code:

a. for the raising of agricultural crops or livestock, in parcels greater than ten acres, between September 3, 1948, and August 11, 1969;

- b. for cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;
- c. at a size five acres or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a dedication;
- d. at a size twenty acres or greater, created after June 9, 1937, not subsequently merged into a larger lot and recognized by ((King County)) the department or the department's predecessors before January 1, 2000~~((, and not subsequently merged into a larger lot))~~;
- e. upon a court order entered between August 11, 1969, to July 1, 1974;
- f. through testamentary provisions or the laws of descent after August 10, 1969;
- g. through an assessor's plat made in accordance with RCW 58.18.010 after August 10, 1969 and not subsequently merged into a larger lot;
- h. as a result of deeding land to a public body after April 3, 1977, and that is consistent with King County zoning code, access and board of health requirements so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or
- i. by a partial fulfillment deed pursuant to a real estate contract recorded before October 1, 1972, and no more than four lots were created per the deed.
- B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:
1. Recorded subdivisions or division of land into four lots or less;
 2. King County documents indicating approval of a short subdivision;
 3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or

4. Historic tax records or other similar evidence, describing the lot as an individual parcel. The department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

C. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner reaggregates or merges the lot with another lot or lots in order to:

1. Create a parcel of land that would qualify as a building site, or
2. Implement a deed restriction or condition, a covenant or court decision.

D. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in K.C.C. 19A.04.050.

E. Reaggregation of lots after January 1, 2000, shall only be the result of a deliberate action by a property owner expressly requesting the department for a permanent merger of two or more lots through a boundary line adjustment under K.C.C. chapter 19A.28. (Ord. 16687 § 1, 2009: Ord. 15031 § 2, 2004: Ord. 13694 § 42, 1999).

SECTION 12. Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020 are each hereby amended to read as follows:

A. Preliminary subdivision approval shall be effective for a period of sixty months.

B. Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary approval.

C. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any

unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

D. An urban planned development permit, fully contained community permit, or development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the preliminary approval period beyond sixty months for any preliminary subdivision approved simultaneous or subsequent to the urban planned development permit or fully contained community permit. Such extensions may be made contingent upon satisfying conditions set forth in the urban planned development permit, fully contained community permit or development agreement. In no case shall the extended preliminary approval period exceed the expected buildout time period of the urban planned development or fully contained community as provided in the urban planned development permit, fully contained community permit or development agreement. This section shall apply to any approved urban planned development permit, fully contained community permit or development agreement in existence on January 1, 2000, or approved subsequent to January 1, 2000.

E. For any plat with more than four hundred lots that is also part of the county's four to one program, the preliminary subdivision approval shall be effective for eighty-four months. This subsection applies to any preliminary plat approved by either the council or the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one program with proposed plats containing more than four hundred lots.

F. For any plat with more than fifty lots where fifty percent or more of those lots will constitute affordable housing which is housing for those that have incomes of less than eighty percent of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, and at least a portion of

the funding for the project has been provided by federal, state or county housing funds, the preliminary subdivision shall be effective for seventy-two months. This subsection applies to any plat that has received preliminary approval on or after January 1, 1998.

G.1. For any plat that has received preliminary approval on or after December 1, 2003, the preliminary subdivision approval shall be valid for a period of eight-four months(~~(, if the applicant:~~
~~a. makes a written request to the department to extend the period of validity;~~
~~b. is current on all invoices for work performed by the department on the subdivision~~
~~review; and~~
~~c. agrees in writing that t)).~~ The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.

2. For any plat that received preliminary approval on or after December 1, 2003, pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a period of one hundred and eight months(~~(, if the applicant:~~
~~a. makes a written request to the department to extend the period of validity;~~
~~b. is current on all invoices for work performed by the department on the subdivision~~
~~review; and~~
~~c. agrees in writing that t)).~~ The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.

3. This subsection shall retroactively apply to any plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, ~~((2014))~~ 2014.
(Ord. 16593 § 1, 2009: Ord. 16515 § 2, 2009: Ord. 15055 § 2, 2004: Ord. 14747 § 2, 2003: Ord. 14113 § 2, 2001: Ord. 13694 § 56, 1999).

SECTION 13. Ordinance 13694, Section 57, and K.C.C. 19A.12.030 are each hereby amended to read as follows:

~~((Applications to revise subdivisions that have;))~~ A. A request to revise a plat, short plat or binding site plan that has received preliminary approval shall ((comply with the following)) be submitted to the department.

~~((A.)) B. ((R))~~ Proposed revisions to a preliminary subdivision that would result in a~~((ny))~~ substantial change~~((s))~~, as determined by the department, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed as Type 3 land use decision ~~((pursuant to))~~ under K.C.C. 20.20.020.

C. Proposed revisions to a preliminary short subdivision or binding site plan that would result in a substantial change, as determined by the department, shall be treated as a new application for purposes of vesting and shall be reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020.

D. For the purpose of this section, a substantial change includes, but is not limited to:

1. the creation of additional lots((:));
2. the reduction or elimination of open space;
3. a change in use;
4. a change in points of ingress or egress: ((or changes)); and
4. a change to conditions of approval ((on)) of an approved preliminary subdivision, preliminary short subdivision or binding site plan that leads to environmental impacts that were not addressed in the original approval.

~~((B. Approval of the following modifications by the department shall not be considered revisions))~~ E. Proposed changes to a subdivision, short subdivision or binding site plan that do not

result in a substantial change, as determined by the department, shall be treated as a minor change and may be approved administratively by the department.

F. For purposes of this section, minor changes include, but are not limited to:

1. ~~((E))Changes to engineering design((, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval))~~ standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Changes in lot dimensions that are consistent with ~~((K.C.C. Title 21A))~~ the underlying zone;

3. A decrease in the number of lots to be created so long as the ~~((decrease allows for future compliance with the minimum density provisions of K.C.C. Title 21A, if applicable))~~ minimum lot size and minimum density of the underlying zone is maintained;

4. Changes in timing of phased plans; and

5. Changes to engineering design that reduce construction related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

(Ord. 13694 § 57, 1999).

SECTION 14. Ordinance 13694, Section 58, as amended, and K.C.C. 19A.12.040 are each hereby amended to read as follows:

Preliminary approval of a short subdivision shall be effective for a period of sixty months, except:

A. The approval period shall be eighty-four months for any short plat that was part of a development agreement or interlocal agreement entered into after January 1, 1996, that included at least four hundred acres of open space dedications and urban land designations at a four-to-one ratio; and

B.1. For any short plat that has received preliminary approval on or after December 1, 2003, the preliminary short subdivision approval shall be valid for a period of eighty-four months(~~(, if the applicant:~~

~~a. makes a written request to the department to extend the period of validity;~~
~~b. is current on all invoices for work performed by the department on the short subdivision review; and~~
~~c. agrees in writing that t)).~~ The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.

2. This subsection shall retroactively apply to any short plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, ~~((2014))~~ 2014. (Ord. 16593 § 2, 2009: Ord. 16515 § 3, 2009: Ord. 14788 § 4, 2003: Ord. 13694 § 58, 1999).

SECTION 15. Ordinance 13694, Section 60, and K.C.C. 19A.12.060 are each hereby repealed.

~~**19A.12.060 Revisions of preliminary short subdivisions.** Applications to revise short subdivisions that have received preliminary approval shall comply with the following:~~

~~—— A. Revisions that result in any substantial changes as determined by the department, shall be treated as a new application for purposes of vesting and shall be reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary short subdivision.~~

~~—— B. Approval of the following modifications by the department shall not be considered revisions:~~

~~1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary short subdivision approval;~~

~~2. Changes in lot dimensions that are consistent with K.C.C. Title 21A;~~

~~3. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of K.C.C. Title 21A, if applicable. (Ord. 13694 § 60, 1999).~~

SECTION 16. Ordinance 13694, Section 80, and K.C.C. 19A.28.020 are each hereby amended to read as follows:

Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in K.C.C. chapter 20.20. The review shall include examination for consistency with the King County zoning code, K.C.C. Title 21A., King County road standards, K.C.C. chapter 14.42, shoreline master program, K.C.C. ((Title 25)) chapter 21A.25, applicable board of health regulations and, for developed lots, ~~((uniform))~~ fire and building codes;

B. Any adjustment of boundary lines must be approved by the department prior to the transfer of property ownership between adjacent legal lots;

C. A boundary line adjustment proposal shall not:

1. Result in the creation of an additional lot or the creation of more than one additional building site;
2. Result in a lot that does not qualify as a building site pursuant to this title;
3. Relocate an entire lot from one parent parcel into another parent parcel;
4. Reduce the overall area in a plat or short plat devoted to open space;

472 5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or
473 short plat;

474 6. Involve lots which do not have a common boundary; or

475 7. Circumvent the subdivision or short subdivision procedures set forth in this title.

476 Factors which indicate that the boundary line adjustment process is being used in a manner
477 inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot
478 boundary, a proposal to move a lot or building site to a different location, and a large number of
479 lots being proposed for a boundary line adjustment;

480 D. The elimination of lines between two or more lots for the purpose of creating a single
481 lot that meets requirements as a building site shall in all cases shall be considered a minor
482 adjustment of boundary lines and shall not be subject to the subdivision and short subdivision
483 provisions of this title; and

484 E. Recognized lots in an approved site plan for a conditional use permit, special use
485 permit, urban planned development, or commercial site development permit shall be considered
486 a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer
487 density or separate lots to another property not included in the original site plan of the subject
488 development.

489 F. Lots that have been subject to a boundary line adjustment process that resulted in the
490 qualification of an additional building site shall not be permitted to utilize the boundary line
491 adjustment process again for five years to create an additional building site. (Ord. 13694 § 80,
492 1999).

493 SECTION 17. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each
494 hereby amended to read as follows:

495 A. A notice of application shall be provided to the public for land use permit applications
496 as follows:

- 497 1. Type 2, 3 or 4 decisions;
- 498 2. Type 1 decisions subject to SEPA;
- 499 3. As provided in subsections K. and L. of this section; and
- 500 4. Type 1 decisions requiring a community meeting under section 10 of this ordinance.

501 B. Notice of the application shall be provided by the department within fourteen days
502 following the department's determination that the application is complete. A public comment
503 period on a notice of application of at least twenty-one days shall be provided, except as
504 otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to subdivision
505 alterations. The public comment period shall commence on the third day following the
506 department's mailing of the notice of application as provided for in subsection H. of this section.

507 C. If the county has made a determination of significance ("DS") under chapter 43.21
508 RCW before the issuance of the notice of application, the notice of the DS shall be combined
509 with the notice of application and the scoping notice.

510 D. Unless the mailed notice of application is by a post card as provided in subsection E.
511 of this section, the notice of application shall contain the following information:

- 512 1. The file number;
- 513 2. The name of the applicant;
- 514 3. The date of application, the date of the notice of completeness and the date of the
515 notice of application;

516 4. A description of the project, the location, a list of the permits included in the
517 application and the location where the application and any environmental documents or studies
518 can be reviewed;

519 5. A site plan on eight and one-half by fourteen inch paper, if applicable;

520 6. The procedures and deadline for filing comments, requesting notice of any required
521 hearings and any appeal procedure;

522 7. The date, time, place and type of hearing, if applicable and scheduled at the time of
523 notice;

524 8. The identification of other permits not included in the application to the extent
525 known;

526 9. The identification of existing environmental documents that evaluate the proposed
527 project; and

528 10. A statement of the preliminary determination, if one has been made, of those
529 development regulations that will be used for project mitigation and of consistency with
530 applicable county plans and regulations.

531 E. If mailed notice of application is made by a post card, the notice of application shall
532 contain the following information:

533 1. A description of the project, the location, a list of the permits included in the
534 application and any environmental documents or studies can be reviewed;

535 2. The name of the applicant;

536 3. The date of application, the date of the notice of completeness and the date of the
537 notice of application;

538 4. If the department has made a decision or recommendation on the application, the
539 decision or recommendation made;

540 5. The applicable comment and appeal dates and the date, time, place and type of
541 hearing, if applicable;

542 6. A web site address that provides access to project information, including a site map
543 and application page; and

544 7. The department contact name, telephone number and e-mail address;

545 F. Notice shall be provided in the following manner:

546 1. Posted at the project site as provided in subsections G. and J. of this section;

547 2. Mailed by first class mail as provided in subsection H. of this section; and

548 3. Published as provided in subsection I. of this section.

549 G. Posted notice for a proposal shall consist of one or more notice boards posted by the
550 applicant within fourteen days following the department's determination of completeness as
551 follows:

552 1. A single notice board shall be posted for a project. This notice board may also be
553 used for the posting of the notice of decision and notice of hearing and shall be placed by the
554 applicant:

555 a. at the midpoint of the site street frontage or as otherwise directed by the department
556 for maximum visibility;

557 b. five feet inside the street property line except when the board is structurally
558 attached to an existing building, but a notice board shall not be placed more than five feet from
559 the street property without approval of the department;

560 c. so that the top of the notice board is between seven to nine feet above grade;

d. where it is completely visible to pedestrians; and

e. comply with site distance requirements of K.C.C. 21A.12.210 and the King county road standards adopted under K.C.C. chapter 14.42.

2. Additional notice boards may be required when:

a. the site does not abut a public road;

b. a large site abuts more than one public road; or

c. the department determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. maintained in good condition by the applicant during the notice period through the time of the final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions which are appealed, through the time of the final resolution of any appeal;

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department's determination of completeness for any Type 2 decision; and

c. removed within fourteen days after the end of the notice period;

4. Removal of the notice board before the end of the notice period may be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified time period;

5. An affidavit of posting shall be submitted to the department by the applicant within fourteen days following the department's determination of completeness to allow continued processing of the application by the department; and

6. Notice boards shall be constructed and installed in accordance with subsection G. of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies.

H. Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site(~~(, but t)~~). The area shall be expanded ((as)) when the department determines it is necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility which is intended to serve the site;

3. To the state Department of Transportation, if the site adjoins a state highway;

4. To the affected tribes;

5. To any agency or community group which the department may identify as having an interest in the proposal;

6. Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice;

7. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat; (~~and~~)

8. In those parts of the urban growth area designated by the King County Comprehensive Plan where King County and a city have adopted either a memorandum of understanding or a potential annexation boundary agreement, or both, the director shall ensure that the city receives notice of all applications for development subject to this chapter and shall respond specifically in writing to any comments on proposed developments subject to this title.

I. The notice of application shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

J. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120.B;

2. Notice boards shall include the following information:

- a. permit number and description of the project;
- b. projected completion date of the project;
- c. a contact name and phone number for both the department and the applicant;
- d. a department contact number for complaints after business hours; and
- e. hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified above, in subsection F of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

K. Posted and mailed notice consistent with this section shall be provided, to property owners of record and to the council district representative in which it is located, for any proposed single-family residence in a higher density urban single family residential zone (R-4 through R-

8) exceeding a size of ten thousand square feet of floor area as defined in the Washington State Uniform Building Code.

L. Posted and mailed notice consistent with this section shall be provided to any property owner of record and to the council district representative in which is locating any application for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

1. Offender self-help agencies;
2. Parole offices;
3. Settlement houses;
4. Halfway home for delinquents and offenders; and
5. Homes for destitute men and women.

M. In addition to notice required by subsection F of this section, the department may provide additional notice by any other means determined by the department as necessary to provide notice to persons or entity who may be affected by a proposal.

SECTION 18. Ordinance 12196, Section 15, and K.C.C. 20.20.080 are each hereby amended to read as follows:

A. ~~((Modifications))~~ Department initiated changes ~~((required by the county))~~ to a pending application shall not ~~((be deemed))~~ require filing of a new application.

B. If the department determines the requested modification or revision would result in a substantial change in a development proposal's review requirements, ~~((A))~~an applicant~~((--))~~ requested revision or modification occurring either before or after issuance of the permit shall ~~((be~~

650 ~~deemed))~~ require filing of a new application ~~((when such modification would result in a substantial~~
651 ~~change in a project's review requirements, as determined by the department))~~.

652 C. For the purpose of this section, a "substantial change" includes, but is not limited to,
653 locating buildings closer to the nearest property line, increasing the proposed square footage of any
654 buildings or changes that will lead to significant built or natural environmental impacts that were
655 not addressed in the original development proposal. (Ord. 12196 § 15, 1996).

656 NEW SECTION. SECTION 19. A new section is hereby added to chapter 21A.02 to read
657 as follows:

658 If a development proposal depends on two or more lots to be considered as a site for
659 purposes of complying with the provisions of this Title or any other provision of the King
660 County Code, the department may require the applicant to record a covenant to the benefit of the
661 county that requires the retention of the lots under common ownership and control for the
662 duration that the use is maintained on the site.

663 SECTION 20. Ordinance 15051, Section 7, and K.C.C. 21A.06.072C are each hereby
664 amended to read as follows:

665 Aquatic area:

666 A. ((a))Any nonwetland water feature including:

667 1. all shorelines of the state, rivers, streams, marine waters~~((, inland))~~ and bodies of open
668 water, ~~((including))~~ such as lakes, ~~((and))~~ ponds~~((;))~~ and reservoirs; ~~((and))~~

669 2. conveyance systems ~~((and impoundments of these features))~~, such as a ditch, if any
670 portion of the ~~((feature is formed))~~ contributing water is from ~~((a stream or wetland and if any~~
671 ~~stream or wetland contributing flows is not created solely as a consequence of stormwater pond~~
672 ~~construction))~~ an aquatic area listed in subsection A.1 of this section; and

673 3. impoundments, such as a reservoir or pond, if any portion of the contributing water is
674 from an aquatic area listed in subsection A.1 of this section.

675 B. "Aquatic area" does not include water features ((that are)) where the source of
676 contributing water is entirely artificial((ly collected or conveyed storm or wastewater systems or
677 entirely artificial channels, ponds, pools or other similar constructed water features))), including,
678 but not limited to, a ground water well. (Ord. 15051 § 7, 2004).

679 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 21A.06 a new
680 section to read as follows:

681 Digester, agricultural anaerobic: an air tight, oxygen-free container that is fed animal
682 manure and other agricultural waste that uses a biological process to stabilize organic matter and
683 produce methane gas for onsite energy generation or other beneficial use.

684 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 21A.06 a new
685 section to read as follows:

686 Farmers market: a regular assembly of vendors at a defined location for the purpose of
687 promoting the sale of agricultural products grown or produced in Washington state.

688 SECTION 23. Ordinance 10870, Section 130, and K.C.C. 21A.06.450 are each hereby
689 amended to read as follows:

690 Family: an individual; two or more persons related by blood, ~~((or))~~ marriage or state
691 registered domestic partnership under chapter 26.60 RCW; a group of two or more disabled
692 residents protected under the Federal Housing Act Amendments, who are not related by blood,
693 ~~((or))~~ marriage or state registered domestic partnership under chapter 26.60 RCW, living together
694 as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood,
695 ~~((or))~~ marriage or state registered domestic partnership under chapter 26.60 RCW, living together

as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. (Ord. 11621 § 30, 1994: 10870 § 130, 1993).

SECTION 24. Ordinance 10870, Section 82, and K.C.C. 21A.06.210 are each hereby amended to read as follows:

Major communication facility: a communication facility, not classified as a minor communication facility, for transmission ~~((and reception))~~ of:

A. ~~((UHF and VHF T))~~ Television signals; or

B. FM or AM radio signals. (Ord. 10870 § 82, 1993).

SECTION 25. Ordinance 10870, Section 83, and K.C.C. 21A.06.215 are each hereby amended to read as follows:

Minor communication facility: a communication facility for the:

A. ~~((§))~~ Transmission and reception of:

~~((A.))~~ 1. Two-way ~~((and/))~~ or citizen band ("CB") radio signals; or

~~((B.))~~ 2. Point-to-point microwave signals;

~~((C. Cellular radio signals;))~~

~~((D.))~~ 3. Signals through FM radio translators; or

~~((E.))~~ 4. Signals through FM radio boosters under ten watts effective radiated power ("ERP"); and

B. Provision of personal wireless services. (Ord. 10870 § 83, 1993).

718 NEW SECTION. SECTION 26. A new section is hereby added to K.C.C. chapter

719 21A.06 to read as follows:

720 Passive recreation storage: storage of equipment used for passive recreation, including,
721 but not limited to, non-motorized equipment used for boating, camping, hiking, bicycling and
722 picnicking.

723 NEW SECTION. SECTION 27. A new section is hereby added to K.C.C. chapter

724 21A.06 to read as follows:

725 Personal wireless services: commercial mobile radio services, unlicensed wireless
726 services, and common carrier wireless exchange access services, as defined by federal laws and
727 regulations.

728 SECTION 28. Ordinance 10870, Section 247, and K.C.C. 21A.06.1035 are each hereby

729 amended to read as follows:

730 Schools, elementary, and middle/junior high: public or private institutions of learning
731 offering instruction in the several branches of learning and study required by the Education Code
732 of the State of Washington in grades kindergarten through nine, including associated meeting
733 rooms, auditoriums and athletic facilities. (Ord. 10870 § 247, 1993).

734 SECTION 29. Ordinance 10870, Section 248, and K.C.C. 21A.06.1040 are each hereby

735 amended to read as follows:

736 Schools, secondary or high school: public or private institutions of learning offering
737 instruction in the several branches of learning and study required by the Education Code of the
738 State of Washington in grades nine through twelve, including associated meeting rooms,
739 auditoriums and athletic facilities. (Ord. 10870 § 248, 1993).

SECTION 30. Ordinance 16950, Section 13, and K.C.C. 21A.06.1263 are each hereby amended to read as follows:

Subdivision or residential subdivision(~~(, residential)~~): Unless the context clearly indicates otherwise, includes a subdivision as defined in K.C.C. 19A.04.320 and a short subdivision as defined K.C.C. 19A.04.310.

SECTION 31. Ordinance 10870, Section 294, as amended, and K.C.C. 21A.06.1270 are each hereby amended to read as follows:

Substantial improvement:

A.1. Any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- a. before the improvement or repair is started; or
- b. if the structure has been damaged and is being restored, before the damage occurred.

2. For purposes of this definition, the cost of any improvement is considered to begin when the first alteration of any wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure; and

B. Does not include either:

1. Any projects for improvement of a structure for purposes of flood mitigation, including but not limited to elevating a structure to the base flood elevation, or to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions; or
2. any alteration of a structure listed on the national Register of Historic Places or a state or local inventory of historic resources. (Ord. 15051 § 104, 2004: Ord. 10870 § 294, 1993).

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
P-Permitted Use	A		F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use	G		O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	R		R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	I		E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S	
	U	T	A			V		E	B	E	N	E	N	E	E	T	
	L		L					N	O	S	I	S	A	S		R	
	T							T	R	S	T	S	L	S		I	
	U							I	H							A	
	R							A	O							L	
	E							L	D								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.															

B. Development conditions.

1. Except bed and breakfast guesthouses.

2. In the forest production district, the following conditions apply:

a. Site disturbance associated with development of any new residence shall be limited to three acres. Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage disposal systems and driveways. Additional site disturbance for agriculture, including raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be approved only if a farm management (conservation) plan is prepared in accordance with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

b. A forest management plan shall be required for any new residence in the forest production district, that shall be reviewed and approved by the King County department of natural resources and parks before building permit issuance; and

c. The forest management plan shall incorporate a fire protection element that includes fire safety best management practices developed by the department.

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except that in the NB zone on properties with a land use designation of commercial

outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

~~4((a.))~~ Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

~~((b.))~~ 5.a. In the R-1 zone, apartment units are permitted, ~~((provided that))~~ if:

(1) ~~((The proposal shall be subject to a conditional use permit when exceeding base density,~~

~~((2)))~~ At least fifty percent of the site is constrained by unbuildable critical areas. For purposes of this subsection, unbuildable critical areas ~~((shall))~~ includes wetlands, ~~((streams))~~ aquatic areas and slopes forty percent or steeper and associated buffers; and

~~((3)))~~ (2) The density does not exceed a density of eighteen units per acre of net buildable area ~~((as defined in K.C.C. 21A.06.797))~~ ~~((; or))~~.

~~((c.))~~ b. In the R-4 through R-8 zones, apartment units are permitted~~((, provided that the proposal shall be subject to a conditional use permit when exceeding base density, and provided that))~~ if the density does not exceed a density of eighteen units per acre of net buildable area ~~((as defined in K.C.C. 21A.06.797))~~.

c. If the proposal will exceed base density for the zone in which it is proposed, a conditional use permit is required.

5. ~~((Apartment units are permitted outright as follows:~~

~~a. In the R-1 zone when at least fifty percent of the site is constrained by unbuildable critical areas ((that for purposes of this section, includes wetlands, streams and slopes forty percent or steeper and associated buffers, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or~~

b. ~~In the R-4 through R-8 zones, provided that the density does not exceed eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.~~

6.)) Only as accessory to a school, college, university or church.

~~((7.))~~ 6.a. Accessory dwelling units:

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on:

(a) an urban lot that is less than five thousand square feet in area;

(b) except as otherwise provided in subsection B.~~((7.))~~6.a.(5) of this section, a rural lot that is less than the minimum lot size; or

c. a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4)(a) Except as otherwise provided in subsection B.~~((7.))~~6.a(5) of this section, one of the dwelling units shall not exceed ~~((a floor area of))~~ one thousand square feet of heated floor area except when one of the dwelling units is wholly contained within a basement or attic; and

(b) When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may be located on each street ~~((side of the building))~~;

(5) On a site zoned RA:

(a) If one transferable development right is purchased from the rural area under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum floor area up to one thousand five hundred square feet; and

(b) If one transferable development right is purchased from the rural area under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than three and three-quarters acres;

(6) One additional off-street parking space shall be provided;

(7) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

(9) Accessory dwelling units and accessory living quarters are not allowed in the F zone.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or landing field, but only if there are:

(1) no aircraft sales, service, repair, charter or rental; and

(2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.

~~((8-))~~ 7. Mobile home parks shall not be permitted in the R-1 zones.

~~((9-))~~ 8. Only as accessory to the permanent residence of the operator, and:

a. Serving meals shall be limited to paying guests (~~((shall be limited to breakfast))~~); and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

~~((10-))~~ 9. Only if part of a mixed use development, and subject to the conditions of K.C.C. 21A.08.030.B.10.

~~((11-))~~ 10. Townhouses are permitted, but shall be subject to a conditional use permit if exceeding base density.

~~((12-))~~ 11. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in K.C.C. 21A.08.030.B.7.

~~((13-))~~ 12. No new mobile home parks are allowed in a rural zone.

~~((14-))~~ 13.a. Limited to domestic violence shelter facilities.

b. Limited to domestic violence shelter facilities with no more than eighteen residents or staff.

~~((15-))~~ 14. Only in the R4-R8 zones limited to:

a. developments no larger than one acre;

b. not adjacent to another cottage housing development such that the total combined land area of the cottage housing developments exceeds one acre;

c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in ~~((subsection))~~ K.C.C. 21A.12.020B.25. ~~((of this section))~~ or the floor area and footprint limits in K.C.C. 21A.14.025.B; and

d. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.____ (section 10 of ordinance 16950).

~~((16.))~~ 15. The development for a detached single-family residence shall be consistent with the following:

a. The lot must have legally existed before March 1, 2005;

b. The lot has a comprehensive plan land use designation of Rural Neighborhood or Rural Residential; and

c. The standards of this title for the RA-5 zone shall apply.

~~((17.))~~ 16. Housing for agricultural employees who are employed by the owner or operator of the site year-round as follows:

a. Not more than:

(1) One agricultural employee dwelling unit on a site under twenty acres;

(2) Two agricultural employee dwelling units on a site between twenty acres and fifty acres;

(3) Three agricultural employee dwelling units on a site greater than fifty acres and less than one-hundred acres; and

(4) On sites one-hundred acres and larger one additional agricultural employee dwelling unit for each additional one hundred acres;

b. The primary use of the site shall be agricultural in SIC Industry Group No. 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and Small Animals. If the primary use of the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;

c. The applicant shall file with the department of executive services, records and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records and licensing services division, before the department approves any permit for the construction of agricultural employee dwelling units;

d. An agricultural employee dwelling unit shall not exceed a floor area of one thousand square feet and may be occupied by no more than eight unrelated agricultural employees;

e. One off-street parking space shall be provided for each agricultural employee dwelling unit; and

f. The agricultural employee dwelling units shall be constructed in compliance with K.C.C. Title 16.

17. Allowed if consistent with K.C.C. chapter 21A.30.

SECTION 33. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended to read as follows:

A. Recreational/cultural land uses.

KEY	Z	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D

		O N E	I C U L T U R E	E S T	E R A L	A L	A E R V E	A N	I D E N T I A L	G H B O R H O O D	I N E S S	M U N I T Y	I N E S S	I O N A L	I N E S S	I C E	U S T R I A L
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	PARK/RECREATION:																
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P				
*	Campgrounds		P16 C16 a	P16	P16 C16a	P16 C16a							P16 C16a				
*	Destination Resorts		S		S18	C					C						
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P				
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19											
*	Sports Club (17)				C4 and 18	C4	C4	C4	C	P	P						
*	Ski Area		S		S18												
*	Recreational Camp		C		P24 C												
*	Passive recreation storage				P29	P29	P29	P29									
	AMUSEMENT/ENTERTAINMENT:																
*	Adult Entertainment Business									P6	P6	P6					
*	Theater									P	P	P	P25				
7833	Theater, Drive-in										C						
793	Bowling Center									P	P		P				
*	Golf Facility				C7 and 18	P7	P7	P7									

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL						
P-Permitted Use			A	F	M	R	U	R	U	R	N	B	C	B	R	B
C-Conditional Use			G	O	I	U	R	R	R	E	E	U	O	U	E	U
S-Special Use			R	R	N	R	B	B	B	S	I	S	I	S	G	S
			I	E	E	A	A	A	I	D	G	I	M	I	I	I
			C	S	R	L	N	N	E		H	N	U	N	O	N
			U	T	A		V				B	E	N	E	N	E
			L		L		E				O	S	I	S	A	S
			T								R	S	Y		L	S
			U								H					
			R								O					
			E								D					
SIC#	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I		
7999 (14)	Amusement and Recreation Services			P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21		
*	Indoor Paintball Range										P26	P26		P26		
*	Outdoor Paintball Range					C27	C27									
*	Shooting Range			C9		C9 and 18						C10		P10		
*	Amusement Arcades										P	P				
7996	Amusement Park											C				
*	Outdoor Performance Center			S		C12 S18		P20	P20			S				
	CULTURAL:															
823	Library					P11	P11 C	P11 C	P28	P	P	P	P			
841	Museum		C2 3	C23		P11	P11 C	P11 C	P28	P	P	P	P	P	P	
842	Arboretum		P	P		P	P	P	P	P	P	P	P	P		
*	Conference Center					P11 C12	P11 C12	P11 C	P11 C	P	P	P	P			
GENERAL CROSS			Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see K.C.C.													
REFERENCES:			chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.													

919

B. Development conditions.

920

1. The following conditions and limitations shall apply, where appropriate:

- 921 a. No stadiums on sites less than ten acres;
- 922 b. Lighting for structures and fields shall be directed away from residential areas;
- 923 c. Structures or service yards shall maintain a minimum distance of fifty feet from
- 924 property lines adjoining residential zones, except for structures in on-site recreation areas
- 925 required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-
- 926 site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;
- 927 d. Facilities in the A zone shall be limited to trails and trailheads, including related
- 928 accessory uses such as parking and sanitary facilities; and
- 929 e. Overnight camping is allowed only in an approved campground.
- 930 2. Recreational vehicle parks are subject to the following conditions and limitations:
- 931 a. The maximum length of stay of any vehicle shall not exceed one hundred eighty
- 932 days during a three-hundred-sixty-five-day period;
- 933 b. The minimum distance between recreational vehicle pads shall be no less than ten
- 934 feet; and
- 935 c. Sewage shall be disposed in a system approved by the Seattle-King County health
- 936 department.
- 937 3. Limited to day moorage. The marina shall not create a need for off-site public
- 938 services beyond those already available before the date of application.
- 939 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities subject
- 940 to the following conditions and limitations:
- 941 a. The bulk and scale shall be compatible with residential or rural character of the
- 942 area;

b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

5. Limited to day moorage.

6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.

b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult businesses to serve the area. The areas include those identified in the maps attached to Ordinance 13546.

7. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least fifty feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Within the RA zone, those facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area, regionally significant resource areas or locally significant

resource areas. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than ten thousand square feet. Furthermore, the residential density that is otherwise permitted by the zone shall not be used on other portions of the site through clustering or on other sites through the transfer of density provision. This residential density clustering or transfer limitation shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued.

8. Limited to golf driving ranges, only as:

- a. accessory to golf courses; or
- b. accessory to large active recreation and multiuse parks.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, but existing facilities shall be exempt.

b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets or arrows from leaving the property.

c. Site plans shall include: safety features of the range; provisions for reducing sound produced on the firing line; elevations of the range showing target area, backdrops or butts; and approximate locations of buildings on adjoining properties.

d. Subject to the licensing provisions of K.C.C. Title 6.

10.a. Only in an enclosed building, and subject to the licensing provisions of K.C.C. Title 6;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) installing ventilation systems that provide sufficient clean air in the user's breathing zone, and

(2) adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

11. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32.

12. Only as accessory to a nonresidential use established through a discretionary permit process, if the scale is limited to ensure compatibility with surrounding neighborhoods. This condition applies to the UR zone only if the property is located within a designated unincorporated rural town.

13. Subject to the following:

a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;

b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;

c. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located; and

d. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street.

14. Excluding amusement and recreational uses classified elsewhere in this chapter.

- 1011 15. For amusement and recreation services not otherwise provided for in this chapter:
- 1012 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on sites at
- 1013 least five acres or larger;
- 1014 b. Retail sales are limited to incidental sales to patrons of the amusement or recreation
- 1015 service; and
- 1016 c. Does not involve the operation of motor vehicles or off-road vehicles, including, but
- 1017 not limited to, motorcycles and go-carts.
- 1018 16. Subject to the following conditions:
- 1019 a. The length of stay per party in campgrounds shall not exceed one hundred eighty
- 1020 days during a three-hundred-sixty-five-day period; and
- 1021 b. Only for campgrounds that are part of a proposed or existing county park, that are
- 1022 subject to review and public meetings through the department of natural resources and parks.
- 1023 17. Only for stand-alone sports clubs that are not part of a park.
- 1024 18. Subject to review and approval of conditions to comply with trail corridor
- 1025 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- 1026 19. Only as accessory to a large active recreation and multiuse park.
- 1027 20. Only as accessory to a large active recreation and multiuse park with the floor area
- 1028 of an individual outdoor performance center stage limited to three thousand square feet.
- 1029 21. Limited to rentals of sports and recreation equipment with a total floor area of no
- 1030 more than seven hundred fifty square feet and only as accessory to a park, or in the RA zones, to
- 1031 a large active recreation and multiuse park.
- 1032 22. Only as accessory to a large active recreation and multiuse park and limited to:
- 1033 a. water slides, wave pools and associated water recreation facilities; and

b. rentals of sports and recreation equipment.

23. Limited to natural resource and heritage museums and only allowed in a farm or forestry structure, including, but not limited to barns or sawmills, existing as of December 31, 2003.

24. Use is permitted without a conditional use permit only when in compliance with all of the following conditions:

a. The use is limited to camps for youths or for persons with special needs due to a disability, as defined by the American With Disabilities Act of 1990, or due to a medical condition and including training for leaders for those who use the camp;

b. Active recreational activities shall not involve the use of motorized vehicles such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The prohibition on motorized vehicles does not apply to such vehicles that may be necessary for operation and maintenance of the facility or to a client-specific vehicle used as a personal mobility device;

c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of overnight campers, not including camp personnel, in a new camp shall not exceed:

(a) one hundred and fifty for a camp between twenty and forty acres; or

(b) for a camp greater than forty acres, but less than two hundred and fifty acres, the number of users allowed by the design capacity of a water system and on-site sewage disposal system approved by the department of health, Seattle/King County, up to a maximum of three hundred and fifty; and

(2) Existing camps shall be subject to the following:

(a) For a camp established before August 11, 2005, with a conditional use permit and is forty acres or larger, but less than one hundred and sixty acres, the number of overnight

campers, not including camp personnel, may be up to one hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

(b) For a camp established before August 11, 2005, with a conditional use permit and is one hundred and sixty acres or larger, but less than two hundred acres, the number of overnight campers, not including camp personnel, may be up to three hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section. The camp may terminate operations at its existing site and establish a new camp if the area of the camp is greater than two hundred and fifty acres and the number of overnight campers, not including camp personnel, shall not exceed seven hundred.

d. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

e. The camp facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale to serve overnight camp users;

f. The minimum size of parcel for such use shall be twenty acres;

g. Except for any permanent caretaker residence, all new structures where camp users will be housed, fed or assembled shall be no less than fifty feet from properties not related to the camp;

h. In order to reduce the visual impacts of parking areas, sports and activity fields or new structures where campers will be housed, fed or assembled, the applicant shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest property line and such parking area, field, or structures, by retaining existing vegetation or augmenting as necessary to achieve the required level of screening;

i. If the site is adjacent to an arterial roadway, access to the site shall be directly onto said arterial unless direct access is unsafe due inadequate sight distance or extreme grade separation between the roadway and the site;

j. If direct access to the site is via local access streets, transportation demand management measures, such as use of carpools, buses or vans to bring in campers, shall be used to minimize traffic impacts;

k. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any adjacent property; and

l. A community meeting shall be convened by the applicant before submittal of an application for permits to establish a camp, or to expand the number of camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the meeting shall be provided at least two weeks in advance to all property owners within five hundred feet, or at least twenty of the nearest property owners, whichever is greater. The notice shall at a minimum contain a brief description of the project and the location, as well as, contact persons and numbers.

25. Limited to theaters primarily for live productions located within a Rural Town designated by the King County Comprehensive Plan.

26.a. Only in an enclosed building; and

b. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be maintained in the department.

27. Minimum standards for outdoor paintball recreation fields:

a. The minimum site area is twenty-five acres;

1101 b. Structure shall be no closer than one hundred feet from any lot line adjacent to a
1102 residential zoned property;

1103 c. The area where paintballs are discharged shall be located more than three hundred
1104 feet of any lot line and more than five hundred feet from the lot line of any adjoining residential
1105 property. The department may allow for a lesser setback if it determines through the conditional
1106 use permit review that the lesser setback in combination with other elements of the site design
1107 provides adequate protection to adjoining properties and rights-of-ways;

1108 d. A twenty-foot high nylon mesh screen shall be installed around all play areas and
1109 shall be removed at the end of each day when the play area is not being used. The department
1110 may allow for the height of the screen to be lowered to no less than ten feet if it determines
1111 through the conditional use permit review that the lower screen in combination with other
1112 elements of the site design provides adequate protection from discharged paintballs;

1113 e. All parking and spectator areas, structures and play areas shall be screened from
1114 adjoining residential zoned property and public rights of way with Type 1 landscaping at least
1115 ten feet wide;

1116 f. Any retail sales conducted on the property shall be accessory and incidental to the
1117 permitted activity and conducted only for the participants of the site;

1118 g. A plan of operations specifying days and hours of operation, number of participants
1119 and employees, types of equipment to be used by users of the site, safety procedures, type of
1120 compressed air fuel to be used on the site and storage and maintenance procedures for the
1121 compressed air fuel shall be provided for review in conjunction with the conditional use permit
1122 application. All safety procedures shall be reviewed and approved by department of public

safety before submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;

h. The hours of operation shall be limited to Saturdays and Sundays and statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

i. No more than one hundred paintball players shall be allowed on the site at any one time;

j. No outdoor lights or amplified sounds shall be permitted;

k. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the department determines through the conditional use permit review that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage;

l. The facility shall be secured at the close of business each day;

m. All equipment and objects used in the paintball activities shall be removed from the site within ninety days of the discontinuance of the paintball use; and

n. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be submitted with the conditional use permit application and shall be maintained in the department.

28. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

29. Excludes parking of a motor vehicle or recreational vehicle. Buildings are limited to no more than two hundred square feet.

SECTION 34. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby amended to read as follows:

A. General services land uses.

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
P-Permitted Use			A	F	M	R	U	R	R	N	B	C	B	R	B	O	I
C-Conditional Use			G	O	I	U	R	R	E	E	U	O	U	E	U	F	N
S-Special Use			R	R	N	R	B	B	S	I	S	M	S	I	S	I	F
			I	E	E	A	A	A	I	G	I	M	I	I	O	N	I
			C	S	R	L	N	N	D	H	N	U	N	O	N	E	S
			U	T	A		R	E	E	B	E	N	E	S	S	I	C
			L		L		V	N	N	O	S	I	S	S	S	E	U
			T				E	T	T	R	S	T	S	S	S		A
			U					I	I	H							L
			R					A	A	O							
			E					L	L	D							
SIC#	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I			
	PERSONAL SERVICES:																
72	General Personal Service							C25 C37	C25 C37	P	P	P	P3	P3			
7216	Drycleaning Plants													P			
7218	Industrial Launderers													P			
7261	Funeral Home/Crematory						C4	C4	C4		P	P					
*	Cemetery, Columbarium or Mausoleum					P24 C5 and 31	P24 C5 and 31	P24 C5 and 31	P24 C5 and 31	P24	P24	P24 C5	P24				
*	Day Care I	P6				P6	P6	P6	P	P	P	P	P7	P7			
*	Day Care II					P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7			
074	Veterinary Clinic	P9				P9 C10 and 31	P9 C10			P10	P10	P10		P			
753	Automotive Repair (1)									P11	P	P		P			
754	Automotive Service									P11	P	P		P			
76	Miscellaneous Repair	P33				P32 P33	P32	P32	P32	P32	P	P		P			
866	Church, Synagogue, Temple					P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P				

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
P-Permitted Use	SPECIFIC LAND USE		A	F	M	R	U	R	R	N	B	C	B	R	B	O	I
C-Conditional Use			G	O	I	U	R	R	E	E	U	O	U	E	U	F	N
S-Special Use			R	R	N	R	B	B	S	I	S	M	S	I	S	G	S
			I	E	E	A	A	A	D	G	I	M	I	I	I	I	U
			C	S	R	L	N	N	E	H	N	U	N	O	N	C	S
			U	T	A		R		N	B	E	N	E	N	E		T
			L		L				I	O	S	I	S	A	S	R	I
			T						A	R		S				I	A
			U						L	H							L
			R							O							
			E							D							
SIC#	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I			
83	Social Services (2)					P12	P12	P12	P12 P13	P	P	P	P				
						P13	P13	P13	C								
						C31	C	C									
0752	Animal specialty services					C	C			P	P	P	P	P			
						P35											
						P36											
*	Stable		P14			P14	P14	P14									
			C			C31	C	C									
*	Kennel or Cattery		P9			C	C				C	P					
*	Theatrical Production Services										P30	P28					
*	Artist Studios					P28	P28	P28	P28	P	P	P	P29	P			
*	Interim Recycling Facility					P21	P21	P21	P21	P22	P22	P	P21	P			
*	Dog training facility		C34			C34	C34			P	P	P		P			
	HEALTH SERVICES:																
801- 04	Office/Outpatient Clinic					P12	P12	P12	P12 C13a	P	P	P	P	P			
						C13a	C13a	C13a	C37								
								C37									
805	Nursing and Personal Care Facilities								C		P	P					
806	Hospital							C13a	C13a		P	P	C				
807	Medical/Dental Lab										P	P	P	P			

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL					
P-Permitted Use	C-Conditional Use		S-Special Use	A	F	M	R	U R	U	R	N B	C B	R B	O	I
				G R	O R	I N	U R	R E	R	E	E U	O U	E U	F	N
			I C	E S	E R	A L	B S	A E	A N	S I	G I	M I	I O	I C	U S
			U L	T	A L		N R	V E		D E	N S	N E	N E		T R
			T U							N T	H O	I T	A L		I A
			R E							I A	O O	Y			L
SIC#	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I	
808-09	Miscellaneous Health										P	P	P		
	EDUCATION SERVICES:														
*	Elementary School					P15 and 31	P	P	P		P16c	P16c	P16c		
*	Middle/Junior High School					P16 C15 and 31	P	P	P		P16((e)) <u>b</u>	P16((e)) <u>b</u>	P16((e)) <u>b</u>		
*	Secondary or High School					P16 C15 ((and 26)) and 31	P26	P26	P26		P16((e)) <u>b</u> C	P16((e)) <u>b</u> C	P16((e)) <u>b</u>		
*	Vocational School					P13a C31	P13a C	P13a C	P13a C			P	P17	P	
*	Specialized Instruction School			P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P38	
*	School District Support Facility					P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P	
GENERAL CROSS															
Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters															
REFERENCES:															
21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review															
Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter															
21A.06.															

1147 B. Development conditions.

1148 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use

1149 table.

1150 2. Except SIC Industry Group Nos.:

1151 a. 835-Day Care Services, and

1152 b. 836-Residential Care, which is otherwise provided for on the residential permitted

1153 land use table.

1154 3. Limited to SIC Industry Group and Industry Nos.:

1155 a. 723-Beauty Shops;

1156 b. 724-Barber Shops;

1157 c. 725-Shoe Repair Shops and Shoeshine Parlors;

1158 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and

1159 e. 217-Carpet and Upholstery Cleaning.

1160 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the

1161 property is located within a designated unincorporated Rural Town.

1162 5. Structures shall maintain a minimum distance of one hundred feet from property

1163 lines adjoining residential zones.

1164 6. Only as accessory to residential use, and:

1165 a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no

1166 openings except for gates, and have a minimum height of six feet; and

1167 b. Outdoor play equipment shall maintain a minimum distance of twenty feet from

1168 property lines adjoining residential zones.

1169 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.

1170 21A.08.060.A.

1171 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or an
1172 accessory use to a school, church, park, sport club or public housing administered by a public
1173 agency, and:

1174 a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no
1175 openings except for gates and have a minimum height of six feet;

1176 b. Outdoor play equipment shall maintain a minimum distance of twenty feet from
1177 property lines adjoining residential zones;

1178 c. Direct access to a developed arterial street shall be required in any residential zone;

1179 and

1180 d. Hours of operation may be restricted to assure compatibility with surrounding
1181 development.

1182 9.a. As a home occupation only, but the square footage limitations in K.C.C. chapter
1183 21A.30 for home occupations apply only to the office space for the veterinary clinic, office space
1184 for the kennel or office space for the cattery, and:

1185 (1) Boarding or overnight stay of animals is allowed only on sites of five acres or
1186 more;

1187 (2) No burning of refuse or dead animals is allowed;

1188 (3) The portion of the building or structure in which animals are kept or treated shall
1189 be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded
1190 by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other
1191 impervious material; and

1192 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1193 b. The following additional provisions apply to kennels or catteries in the A zone:

1194 (1) Impervious surface for the kennel or cattery shall not exceed twelve thousand

1195 square feet;

1196 (2) Obedience training classes are not allowed except as provided in subsection B.34.

1197 of this section; and

1198 (3) Any buildings or structures used for housing animals and any outdoor runs shall

1199 be set back one hundred and fifty feet from property lines.

1200 10.a. No burning of refuse or dead animals is allowed;

1201 b. The portion of the building or structure in which animals are kept or treated shall be

1202 soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by

1203 an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other

1204 impervious material; and

1205 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1206 11. The repair work or service shall only be performed in an enclosed building, and no

1207 outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery Repair Shops

1208 and Paint Shops is not allowed.

1209 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32. Before

1210 filing an application with the department, the applicant shall hold a community meeting in

1211 accordance with section 10 of this ordinance.

1212 13.a. Except as otherwise provided in 13.b. of this subsection, only as a reuse of a

1213 surplus nonresidential facility subject to K.C.C. chapter 21A.32.

b. Allowed for a social service agency on a site in the NB zone that serves transitional or low-income housing located within three hundred feet of the site on which the social service agency is located.

c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed twenty thousand square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

15. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area, unless the proposal is for a public school and a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, ~~((or the school facility))~~ and serving only the public school ~~((or the school facility))~~ may be used. ~~((New public high schools shall be permitted subject to the review process in K.C.C. 21A.42.140.))~~

16.a. For middle or junior high schools and secondary or high schools ~~((or school facilities))~~, only as a reuse of a public school ~~((facility or school facility))~~ subject to K.C.C. chapter 21A.32. An expansion of such a school ~~((or a school facility))~~ shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of sewer service outside the urban growth area, unless the proposal is for a public school and a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, ~~((or the school facility))~~ may be used.

b. ~~((Renovation, expansion, modernization or reconstruction of a school, a school facility, or the addition of relocatable facilities, is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.~~

e-)) In CB, RB and O, for K-12 schools with no more than one hundred students.

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as accessory to residential use, and:

a. Students shall be limited to twelve per one-hour session;

b. Except as provided in subsection c. of this subsection, all instruction must be within an enclosed structure;

c. Outdoor instruction may be allowed on properties at least two and one-half acres in size. Any outdoor activity must comply with the requirements for setbacks in K.C.C. chapter 21A.12; and

d. Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining residential zones.

20. Subject to the following:

a. Structures used for the school and accessory uses shall maintain a minimum distance of twenty-five feet from property lines adjoining residential zones;

b. On lots over two and one-half acres:

1258 (1) Retail sale of items related to the instructional courses is permitted, if total floor
1259 area for retail sales is limited to two thousand square feet;

1260 (2) Sale of food prepared in the instructional courses is permitted with Seattle-King
1261 County department of public health approval, if total floor area for food sales is limited to one
1262 thousand square feet and is located in the same structure as the school; and

1263 (3) Other incidental student-supporting uses are allowed, if such uses are found to be
1264 both compatible with and incidental to the principal use; and

1265 c. On sites over ten acres, located in a designated Rural Town and zoned any one or
1266 more of UR, R-1 and R-4:

1267 (1) Retail sale of items related to the instructional courses is permitted, provided total
1268 floor area for retail sales is limited to two thousand square feet;

1269 (2) Sale of food prepared in the instructional courses is permitted with Seattle-King
1270 County department of public health approval, if total floor area for food sales is limited to one
1271 thousand seven hundred fifty square feet and is located in the same structure as the school;

1272 (3) Other incidental student-supporting uses are allowed, if the uses are found to be
1273 functionally related, subordinate, compatible with and incidental to the principal use;

1274 (4) The use shall be integrated with allowable agricultural uses on the site;

1275 (5) Advertised special events shall comply with the temporary use requirements of
1276 this chapter; and

1277 (6) Existing structures that are damaged or destroyed by fire or natural event, if
1278 damaged by more than fifty percent of their prior value, may reconstruct and expand an
1279 additional sixty-five percent of the original floor area but need not be approved as a conditional

1280 use if their use otherwise complies with development condition B.20.c. of this section and this
1281 title.

1282 21. Limited to drop box facilities accessory to a public or community use such as a
1283 school, fire station or community center.

1284 22. With the exception of drop box facilities for the collection and temporary storage of
1285 recyclable materials, all processing and storage of material shall be within enclosed buildings.
1286 Yard waste processing is not permitted.

1287 23. Only if adjacent to an existing or proposed school.

1288 24. Limited to columbariums accessory to a church, but required landscaping and
1289 parking shall not be reduced.

1290 25. Not permitted in R-1 and limited to a maximum of five thousand square feet per
1291 establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1292 26.a. New high schools shall be permitted in the rural and the urban residential and
1293 urban reserve zones subject to the review process in K.C.C. 21A.42.140.

1294 b. Renovation, expansion, modernization, or reconstruction of a school, or the addition
1295 of relocatable facilities, is permitted.

1296 27. Limited to projects that do not require or result in an expansion of sewer service
1297 outside the urban growth area. In addition, such use shall not be permitted in the RA-20 zone.

1298 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32
1299 or as a joint use of an existing public school facility.

1300 29. All studio use must be within an enclosed structure.

1301 30. Adult use facilities shall be prohibited within six hundred sixty feet of any
1302 residential zones, any other adult use facility, school, licensed daycare centers, parks, community
1303 centers, public libraries or churches that conduct religious or educational classes for minors.

1304 31. Subject to review and approval of conditions to comply with trail corridor
1305 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1306 32. Limited to repair of sports and recreation equipment:
1307 a. as accessory to a large active recreation and multiuse park in the urban growth area;
1308 or
1309 b. as accessory to a park, or a large active recreation and multiuse park in the RA
1310 zones, and limited to a total floor area of seven hundred fifty square feet.

1311 33. Accessory to agricultural or forestry uses provided:
1312 a. the repair of tools and machinery is limited to those necessary for the operation of a
1313 farm or forest.
1314 b. the lot is at least five acres.
1315 c. the size of the total repair use is limited to one percent of the lot size up to a
1316 maximum of five thousand square feet unless located in a farm structure, including, but not
1317 limited to barns, existing as of December 31, 2003.

1318 34. Subject to the following:
1319 a. the lot is at least five acres;
1320 b. in the A zones, area used for dog training shall be located on portions of agricultural
1321 lands that are unsuitable for other agricultural purposes, such as areas within the already
1322 developed portion of such agricultural lands that are not available for direct agricultural
1323 production or areas without prime agricultural soils;

c. structures and areas used for dog training shall maintain a minimum distance of seventy-five feet from property lines; and

d. all training activities shall be conducted within fenced areas or in indoor facilities. Fences must be sufficient to contain the dogs.

35. Limited to animal rescue shelters and provided that:

a. the property shall be at least four acres;

b. buildings used to house rescued animals shall be no less than fifty feet from property lines;

c. outdoor animal enclosure areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the animals;

d. the facility shall be operated by a nonprofit organization registered under the Internal Revenue Code as a 501(c)(3) organization; and

e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

36. Limited to kennel-free dog boarding and daycare facilities, and:

a. the property shall be at least four and one-half acres;

b. buildings housing dogs shall be no less than seventy-five feet from property lines;

c. outdoor exercise areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the dogs;

d. the number of dogs allowed on the property at any one time shall be limited to ~~((twenty five, consistent with the provisions))~~ the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B;

1346 e. training and grooming are ancillary services that may be provided only to dogs
 1347 staying at the facility; and
 1348 f. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no
 1349 later than 7 p.m..

1350 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.
 1351 21A.12.250.

1352 38. Driver training limited to driver training schools licensed under chapter 46.82
 1353 RCW.

1354 SECTION 35. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are
 1355 each hereby amended to read as follows:

1356 A. Retail land uses.

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
P-Permitted Use	C-Conditional Use		A	F	M	R	U	R	R	N	B	C	B	R	B	O	I
S-Special Use			C	O	I	R	U	R	R	E	B	M	S	E	S	F	N
			C	O	I	R	U	R	R	E	B	M	S	E	S	F	N
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)				
*	Building Materials and Hardware Stores		P23						P2	P	P						
*	Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P						
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P						
*	Department and Variety Stores						C14	C14	P5	P	P						
54	Food Stores						C15	C15	P	P	P	C	P6				
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3	P25	P25	P25	P25	P25	P25				
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24				
*	Motor Vehicle and Boat Dealers										P8		P				
553	Auto Supply Stores									P9	P9		P				
554	Gasoline Service Stations								P	P	P		P				
56	Apparel and Accessory Stores									P	P						
*	Furniture and Home Furnishings Stores									P	P						
58	Eating and Drinking Places				P21 C19		P20 C16	P20 C16	P10	P	P	P	P				
*	Drug Stores						C15	C15	P	P	P	C					
592	Liquor Stores	P13			P13	P13				P	P						
593	Used Goods: Antiques/									P	P						

	Secondhand Shops												
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15	C15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15	C15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18						P
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

B. Development conditions.

- 1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area. Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;
- b. The site area shall be at least four and one-half acres;
- c. Sales may include locally made arts and crafts; and
- d. Outside lighting is permitted if no off-site glare is allowed.
2. Only hardware stores.
- 3.a. Limited to products grown on site.
- b. Covered sales areas shall not exceed a total area of five hundred square feet.
4. No permanent structures or signs.

1371 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum
1372 of two thousand square feet of gross floor area.

1373 6. Limited to a maximum of two thousand square feet of gross floor area.

1374 7.a. As a permitted use, the covered sales area shall not exceed two thousand square
1375 feet, unless located in ~~((f-a))~~ a building designated as ~~((f-a))~~ a historic resource under K.C.C.
1376 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered
1377 sales area may be allowed;

1378 b. The site area shall be at least four and one-half acres;

1379 c. Forty percent or more of the gross sales of agricultural product sold through the
1380 store must be sold by the producers of primary agricultural products;

1381 d. Sixty percent or more of the gross sales of agricultural products sold through the
1382 store shall be derived from products grown or produced in the Puget Sound counties. At the time
1383 of the initial application, the applicant shall submit a reasonable projection of the source of
1384 product sales;

1385 e. Sales shall be limited to agricultural products and locally made arts and crafts;

1386 f. Storage areas for agricultural products may be included in a farm store structure or
1387 in any accessory building; and

1388 g. Outside lighting is permitted if no off-site glare is allowed.

1389 8. Excluding retail sale of trucks exceeding one-ton capacity.

1390 9. Only the sale of new or reconditioned automobile supplies is permitted.

1391 10. Excluding SIC Industry No. 5813-Drinking Places.

1392 11. No outside storage of fuel trucks and equipment.

1393 12. Excluding vehicle and livestock auctions.

13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.

14. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.330.

15. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230.

16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section.

17. Retail sale of livestock is permitted only as accessory to raising livestock.

18. Limited to the R-1 zone.

19. Only as:

a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or

b. an accessory use to a large active recreation and multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:

a. an accessory to a large active recreation and multiuse park; or

b. an accessory to a park and limited to a total floor area of one thousand five hundred square feet.

21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.

1417 22. Only as an accessory to:

1418 a. a large active recreation and multiuse park in the urban growth area; or

1419 b. a park, or a large active recreation and multiuse park in the RA zones, and limited

1420 to a total floor area of seven hundred and fifty square feet.

1421 23. Only as accessory to SIC Industry Group No. 242-Sawmills and;

1422 a. limited to lumber milled on site; and

1423 b. the covered sales area is limited to two thousand square feet. The covered sales

1424 area does not include covered areas used to display only milled lumber.

1425 24. Requires at least five farmers selling their own products at each market and the

1426 annual value of sales by farmers should exceed the annual sales value of non-farmer vendors.

1427 25. Limited to sites located within the urban growth area and:

1428 a. The sales area shall be limited to three hundred square feet and must be removed

1429 each evening;

1430 b. There must be legal parking that is easily available for customers; and

1431 d. The site must be in an area that is easily accessible to the public, will accommodate

1432 multiple shoppers at one time and does not infringe on neighboring properties. (Ord. 16267 § 22,

1433 2008: Ord. 15974 § 9, 2007: Ord. 15606 § 15, 2006: Ord. 15032 § 14, 2004: Ord. 14807 § 6,

1434 2003: Ord. 14781 § 1, 2003: Ord. 14045 § 14, 2001: Ord. 13546 § 4, 1999: Ord. 13022 § 14,

1435 1998: Ord. 12596 § 7, 1997: Ord. 10870 § 334, 1993).

1436 SECTION 36. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are

1437 each hereby amended to read as follows:

1438 A. Resource land uses.

KEY		RESOURCE			RESIDENTIAL					COMMERCIAL/INDUSTRIAL							
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D

		ONE	CULTURE	EST	ER	AL	AN	ERVE	AN	IDENTIAL	GH	IN	MUN	IN	ON	IN	ICE	UST
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
	AGRICULTURE:																	
01	Growing and Harvesting Crops	P	P		P	P	P						P					
02	Raising Livestock and Small Animals	P	P		P	P	P6						P					
*	Agriculture Training Facility	C10																
*	Agriculture-related special needs camp	P12																
*	Agricultural Anaerobic Digester	P13																
	FORESTRY:																	
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P					
*	Forest Research		P		P	P						P2	P					
	FISH AND WILDLIFE MANAGEMENT:																	
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P					
0273	Aquaculture (1)	P	P		P	P	C						P					
*	Wildlife Shelters	P	P		P	P												
	MINERAL:																	
10,12,14	Mineral Extraction and Processing		P9 C	P C11														
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P					
	ACCESSORY USES:																	
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4					
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.																

1439

B. Development conditions.

1440

1. May be further subject to K.C.C. Title 25, Shoreline Management.

1441

2. Only forest research conducted within an enclosed building.

1442

3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.

1443

4. Excluding housing for agricultural workers.

1444

5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral

1445

extraction or processing operation.

- 1446 6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
- 1447 7. Only in conjunction with a mineral extraction site plan approved in accordance with
- 1448 K.C.C. chapter 21A.22.
- 1449 8. Only on the same lot or same group of lots under common ownership or documented
- 1450 legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an
- 1451 easement:
- 1452 a. as accessory to a primary mineral extraction use;
- 1453 b. as a continuation of a mineral processing only for that period to complete delivery of
- 1454 products or projects under contract at the end of a mineral extraction; or
- 1455 c. for a public works project under a temporary grading permit issued in accordance
- 1456 with K.C.C. 16.82.152.
- 1457 9. Limited to mineral extraction and processing:
- 1458 a. on a lot or group of lots under common ownership or documented legal control, which
- 1459 includes but is not limited to, fee simple ownership, a long-term lease or an easement;
- 1460 b. that are located greater than one-quarter mile from an established residence; and
- 1461 c. that do not use local access streets that abut lots developed for residential use.
- 1462 10. Agriculture training facilities are allowed only as an accessory to existing agricultural
- 1463 uses and are subject to the following conditions:
- 1464 a. The impervious surface associated with the agriculture training facilities shall
- 1465 comprise not more than ten percent of the allowable impervious surface permitted under K.C.C.
- 1466 21A.12.040;
- 1467 b. New or the expansion of existing structures, or other site improvements, shall not be
- 1468 located on class 1, 2 or 3 soils;

- 1469 c. The director may require reuse of surplus structures to the maximum extent practical;
- 1470 d. The director may require the clustering of new structures with existing structures;
- 1471 e. New structures or other site improvements shall be set back a minimum distance of
- 1472 seventy-five feet from property lines adjoining residential zones;
- 1473 f. Bulk and design of structures shall be compatible with the architectural style of the
- 1474 surrounding agricultural community;
- 1475 g. New sewers shall not be extended to the site;
- 1476 h. Traffic generated shall not impede the safe and efficient movement of agricultural
- 1477 vehicles, nor shall it require capacity improvements to rural roads;
- 1478 i. Agriculture training facilities may be used to provide educational services to the
- 1479 surrounding rural/agricultural community or for community events. Property owners may be
- 1480 required to obtain a temporary use permit for community events in accordance with K.C.C. chapter
- 1481 21A.32;
- 1482 j. Use of lodging and food service facilities shall be limited only to activities conducted
- 1483 in conjunction with training and education programs or community events held on site;
- 1484 k. Incidental uses, such as office and storage, shall be limited to those that directly
- 1485 support education and training activities or farm operations; and
- 1486 l. The King County agriculture commission shall be notified of and have an opportunity
- 1487 to comment upon all proposed agriculture training facilities during the permit process in
- 1488 accordance with K.C.C. chapter 21A.40.
- 1489 11. Continuation of mineral processing and asphalt/concrete mixtures and block uses
- 1490 after reclamation in accordance with an approved reclamation plan.

12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.

(1) passive recreation;

(2) training of individuals who will work at the camp;

(3) special events for families of the campers; and

(4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

c. A farm plan shall be required for commercial agricultural production to ensure adherence to best management practices and soil conservation.

d.(1) The minimum site area shall be five hundred acres. Unless the property owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by a single individual, corporation, partnership or other legal entity and must remain under the ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp.

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to the King County farmland preservation program or, if the development rights are extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

e. The impervious surface associated with the camp shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

f. Structures for living quarters, dining facilities, medical facilities and other nonagricultural camp activities shall be located in a camp center. The camp center shall be no more than fifty acres and shall be depicted on a site plan. New structures for nonagricultural camp activities shall be clustered with existing structures;

g. To the extent practicable, existing structures shall be reused. The applicant shall demonstrate to the director that a new structure for nonagricultural camp activities cannot be practicably accommodated within an existing structure on the site, though cabins for campers shall be permitted only if they do not already exist on site;

h. Camp facilities may be used to provide agricultural educational services to the surrounding rural and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for community events;

i. Lodging and food service facilities shall only be used for activities related to the camp or for agricultural education programs or community events held on site;

j. Incidental uses, such as office and storage, shall be limited to those that directly support camp activities, farm operations or agricultural education programs;

k. New nonagricultural camp structures and site improvements shall maintain a minimum set-back of seventy-five feet from property lines adjoining residential zones;

l. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;

m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent residential zoned property not associated with the camp;

n. New sewers shall not be extended to the site;

o. The total number of persons staying overnight shall not exceed three hundred;

p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;

s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

u. Lights to illuminate the camp or its structures shall be arranged to reflect the light away from any adjacent property.

13. Limited to digester receiving plant and animal and other organic waste from agricultural activities, ~~((and subject))~~ as follows:

1559 ((b-)) a. the digester must be included as part of a Washington state Department of
 1560 Agriculture approved dairy nutrient plan;
 1561 b. the digester must process at least seventy percent livestock manure or other
 1562 agricultural organic material from farms in the vicinity, by volume;
 1563 c. imported organic waste-derived material, such as food processing waste, may be
 1564 processed in the digester for the purpose of increasing methane gas production for beneficial use,
 1565 but not shall exceed thirty percent of volume processed by the digester; and
 1566 ((c-)) d. the use must be accessory to an operating dairy or livestock operation. (Ord.
 1567 16267 § 23, 2008: Ord. 15909 § 2, 2007: Ord. 15032 § 16, 2004: Ord. 14045 § 16, 2001: Ord.
 1568 12691 § 3, 1997: Ord. 12596 § 9, 1997: Ord. 11938 § 1, 1995: Ord. 11621 § 39, 1994: 11157 §
 1569 14, 1993: Ord. 10870 § 336, 1993).

1570 SECTION 37. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are
 1571 each hereby amended to read as follows:

1572 A. Regional land uses.

KEY		Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P-Permitted Use			A	F	M	R	U	R	R	N	B	C	B	R
C-Conditional Use			G	O	I	U	R	R	E	E	U	O	U	B
S-Special Use			R	R	N	R	B	B	S	I	S	M	I	E
			I	E	E	A	A	A	I	G	I	M	I	O
			C	S	R	L	N	N	D	H	N	U	N	N
			U	T	A				E	B	E	N	E	S
			L		L				T	O	S	I	S	S
									I	R				
									A	H				
									L	O				
										O				
										D				
SIC#	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail							S	S	S	S	S	S	S
*	Jail Farm/Camp		S	S		S	S							
*	Work Release Facility					S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility			S		S	S					S		P
*	Public Agency Training Facility			S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility			C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric		P25	C12	C12	C12	C12	C12	C12	C12	C12	C12 S	C12	P12

	Generation Facility	C12 S	S	S	S	S	S	S	S	S		S	S
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

1573

B. Development conditions.

1574

1. Except technical institutions. See vocational schools on general services land use

1575

table, K.C.C. 21A.08.050.

1576

2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

1577

3. Except weapons armories and outdoor shooting ranges.

1578

4. Except outdoor shooting range.

1579

5. Only in conjunction with an existing or proposed school.

1580

6.a. Limited to no more than three satellite dish antennae.

1581

b. Limited to one satellite dish antenna.

- 1582 c. Limited to tower consolidations.
- 1583 7. Limited to landing field for aircraft involved in forestry or agricultural practices or for
1584 emergency landing sites.
- 1585 8. Except racing of motorized vehicles.
- 1586 9. Limited to wildlife exhibit.
- 1587 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 1588 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
- 1589 12. Limited to cogeneration facilities for on-site use only.
- 1590 13. Excluding impoundment of water using a dam.
- 1591 14. Limited to facilities that comply with the following:
- 1592 a. Any new diversion structure shall not:
- 1593 (1) exceed a height of eight feet as measured from the streambed; or
- 1594 (2) impound more than three surface acres of water at the normal maximum surface
1595 level;
- 1596 b. There shall be no active storage;
- 1597 c. The maximum water surface area at any existing dam or diversion shall not be
1598 increased;
- 1599 d. An exceedance flow of no greater than fifty percent in mainstream reach shall be
1600 maintained;
- 1601 e. Any transmission line shall be limited to a:
- 1602 (1) right-of-way of five miles or less; and
- 1603 (2) capacity of two hundred thirty KV or less;
- 1604 f. Any new, permanent access road shall be limited to five miles or less; and

g. The facility shall only be located above any portion of the stream used by anadromous fish.

15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

17. The following provisions of the table apply only to major communication facilities minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter 21A.26.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based activities.

20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective

alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

21. Only in conformance with the King County Site Development Plan Report, through modifications to the plan of up to ten percent are allowed for the following:

- a. building square footage;
- b. landscaping;
- c. parking;
- d. building height; or
- e. impervious surface.

22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that exceeds the allowed modifications to the plan identified in subsection B.21 of this section.

23. The facility shall be primarily devoted to rural public infrastructure maintenance and is subject to the following conditions:

- a. The minimum site area shall be ten acres, unless:

(1) the facility is a reuse of a public agency yard; or

(2) the site is separated from a county park by a street or utility right-of-way;

- b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any stockpiling or grinding operations and adjacent residential zoned property;

- c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;

d. Access to the site does not use local access streets that abut residential zoned property, unless the facility is a reuse of a public agency yard;

e. Structural setbacks from property lines shall be as follows:

(1) Buildings, structures and stockpiles used in the processing of materials shall be no closer than:

(a) one hundred feet from any residential zoned properties, except that the setback may be reduced to fifty feet when the grade where the building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;

(b) fifty feet from any other zoned property, except when adjacent to a mineral extraction or materials processing site;

(c) the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

(2) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property or when a reuse of an existing building. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

f. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

- a. motocross;
- b. autocross;
- c. skidpad;
- d. garage;
- e. driving school; and
- f. fire station.

25. Only as an accessory use of an agricultural anaerobic digester.

(Ord. 16267 § 24, 2008: 15938 § 2, 2007: Ord. 14808 § 3, 2003: Ord. 14199 § 233, 2001: Ord. 14045 § 17, 2001: Ord. 13129 § 13, 1998: Ord. 13022 § 15, 1998: Ord. 12709 § 2, 1997: Ord. 12596 § 10, 1997: Ord. 11621 § 40, 1994: Ord. 10870 § 337, 1993).

SECTION 38. Ordinance 10870, Section 351, as amended, and K.C.C. 21A.12.140 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection B. of this section, in subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

B. For a subdivision or short subdivision:

1. Upon mutual agreement of the utility and applicant for the subdivision or short subdivision submitted at the time of application for the preliminary plat, the area of the regional utility corridor placed in a separate tract may be less than the entire utility right-of-way or easement. The agreement may be evidenced by correspondence between the utility and the applicant;

2. If the utility and applicant enter into an agreement under subsection B.1. of this section:

a. The location of the easement or right-of-way shall be shown on the face of the plat;

b. The applicant shall record on the title of all lots that extend into the right-of-way or easement a notice approved by the department that there is an easement or right-of-way for a regional utility corridor that may subject use of that area of the property to conditions established by the utility; and

c. The department shall include as conditions of plat approval the conditions on use of the area within the regional utility corridor included in the agreement between the utility and the applicant.

C. In land development permits other than subdivisions or short subdivisions, easements shall be used to delineate regional utility corridors.

D. All structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor or when structures are allowed by mutual agreement in the regional utility corridor.

E. Any structure designed for human occupancy, except for utility structures not normally occupied that are necessary for the operation of the pipeline or a minor communication facility, and any required parking or recreation space shall maintain a minimum distance of one hundred feet from a hazardous liquid or gas transmission pipeline located within a regional utility corridor. The setback distance may be modified if the applicant demonstrates the following:

1. A one-hundred-foot setback would deny all reasonable use of the property; or

1715 2. That the structure, parking or recreation space would be protected from radiant heat of
1716 an explosion by berming or other physical barriers; or

1717 3. That a one-hundred-foot setback would be impractical or unnecessary due to existing
1718 geographical features, streets, lot lines, or easements; or

1719 4. That no other practical alternative exists to meet the demand for service; and

1720 5. That the applicant will construct a hazardous liquid or gas transmission containment
1721 system or other mitigating actions if the county finds that leakage could accumulate within one
1722 hundred feet of the pipeline. Any containment system or other mitigating actions required by this
1723 section shall meet all applicable federal, state and local regulations. (Ord. 15245 § 7, 2005: Ord.
1724 14045 § 23, 2001: Ord. 13190 § 17, 1998: Ord. 10870 § 351, 1993).

1725 SECTION 39. Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170 are
1726 each hereby amended to read as follows:

1727 Provided that the required setbacks from regional utility corridors of K.C.C. 21A.12.140,
1728 the adjoining half-street or designated arterial setbacks of K.C.C. 21A.12.160 and the sight
1729 distance requirements of K.C.C. 21A.12.210 are maintained, structures may extend into or be
1730 located in required setbacks, including setbacks as required by K.C.C. 21A.12.220.B, as follows:

1731 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or
1732 similar structures may project into any setback, provided such projections are:

1733 1. Limited to two per facade;

1734 2. Not wider than ten feet; and

1735 3. Not more than twenty-four inches into an interior setback or thirty inches into a street
1736 setback;

1737 B. Uncovered porches and decks that exceed eighteen inches above the finished grade
1738 may project:

- 1739 1. Eighteen inches into interior setbacks; and
1740 2. Five feet into the street setback;

1741 C. Uncovered porches and decks not exceeding eighteen inches above the finished grade
1742 may project to the property line;

1743 D. Eaves may not project more than:

- 1744 1. Eighteen inches into an interior setback;
1745 2. Twenty-four inches into a street setback; or
1746 3. Eighteen inches across a lot line in a zero-lot-line development;

1747 E. Fences with a height of six feet or less may project into or be located in any setback;

1748 F. Rockeries, retaining walls and curbs may project into or be located in any setback.
1749 Except for structures that cross the setback perpendicularly to property lines or that abut a critical
1750 area, these structures:

- 1751 1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA and resource
1752 zones;
1753 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and
1754 3. Shall not exceed the building height for the zone in commercial/industrial zones,
1755 measured in accordance with the standards established in the King County Building Code, Title
1756 16;

1757 G. Fences located on top of rockeries, retaining walls or berms are subject to the
1758 requirements of K.C.C. 21A.14.220;

1759 H. Telephone, power, light and flag poles;

I. The following may project into or be located within a setback, but may only project into or be located within a five foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the records and licensing services division prior to the installment or construction of the structure:

1. Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;

2. Security system access controls;

3. Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as benches, picnic tables and drinking fountains; and

4. Surface water management facilities as required by K.C.C. 9.04;

J. Freestanding air conditioners and heat pumps may project into or be located within a setback abutting a residential property, but may only be located closer than five feet of an abutting residential property if an agreement documenting consent between the owners of record of the abutting properties is recorded with the records and licensing services division prior to installation.

K. Mailboxes and newspaper boxes may project into or be located within street setbacks;

~~((K.))~~ L. Fire hydrants and associated appendages;

~~((L.))~~ M. Metro bus shelters may be located within street setbacks;

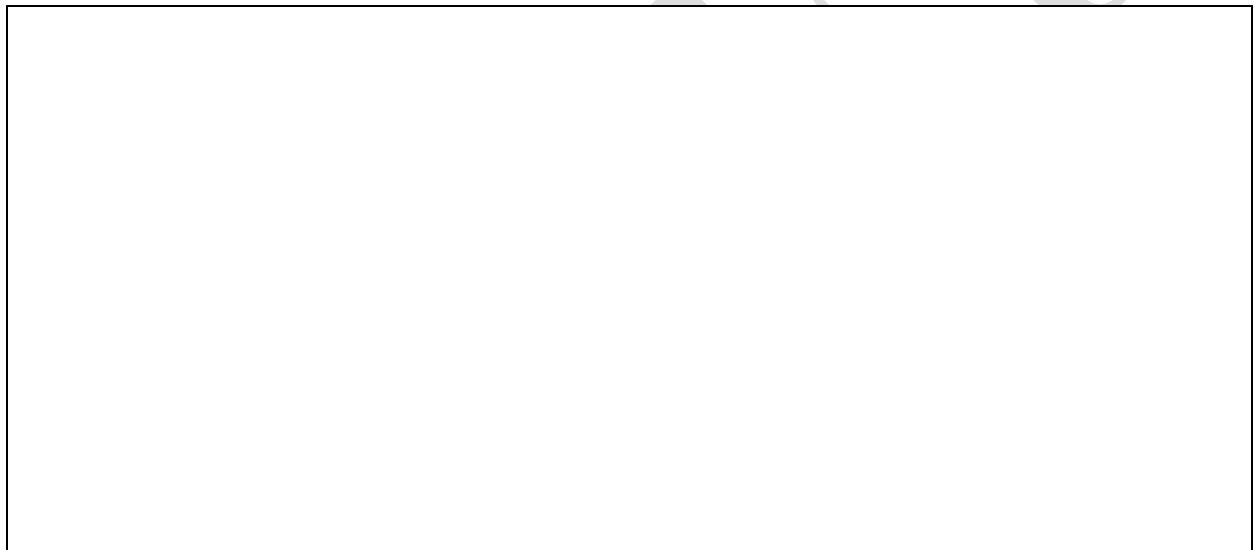
~~((M.))~~ N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument signs four feet or less in height, with a maximum sign area of twenty square feet may project into or be located within street setbacks;

1782 ~~((N.))~~ Q. On a parcel in the RA zone, in the interior setback that adjoins a property zoned
1783 NB or CB, structures housing refrigeration equipment that extends no more than ten feet into the
1784 setback and is no more than sixty feet in length; and

1785 ~~((O.))~~ P. Stormwater conveyance and control facilities, both above and below ground,
1786 provided such projections are:

1787 1. Consistent with setback, easement and access requirements specified in the Surface
1788 Water Design Manual; or

1789 2. In the absence of said specifications, not within five feet of the property line.



1790
1791 (Ord. 16267 § 27, 2008: Ord. 15971 § 94, 2007: Ord. 15606 § 16, 2006: Ord. 13190 § 18, 1998:
1792 Ord. 13022 § 18, 1998: Ord. 12987 § 4, 1998: Ord. 10870 § 354, 1993).

1793 SECTION 40. Ordinance 11210, Section 14, and K.C.C. 21A.16.300 are each hereby
1794 repealed

1795 ~~((Irrigation systems of any type are optional components of a landscape area. However, a
1796 water budget for irrigation purposes shall be established for all new development, except for:~~

1797 ~~——— A. Individually platted single dwelling (attached or detached) residential lots, provided that
1798 developer installed landscaping in common areas of residential projects is not exempt; and~~

1799 ~~—— B. Any project with a total landscaped area less than 500 square feet.)) (Ord. 11250 § 14,~~
1800 ~~1994).~~

1801 SECTION 41. Ordinance 11210, Section 15, and K.C.C. 21A.16.310 are each hereby
1802 repealed

1803 ~~((A. The water budget (WB) allocation shall be calculated using the following formula:~~

1804
$$\text{WB} = (\text{ET}_o) \times (\text{AF}) \times (\text{LA}) \times (\text{CF})$$

1805 ~~—— Eto: Referenced Evapotranspiration Rate (net seasonal irrigation requirement in inches —~~
1806 ~~see table below)~~

1807 ~~—— AF: Adjustment factor value of 0.8 (i.e., 0.5 x (Eto)/0.625 irrigation efficiency coefficient)~~

1808 ~~—— LA: Landscape area (square feet)~~

1809 ~~—— CF: Conversion factor value of 0.62 (Eto inches to gallons per square foot)~~

1810 ~~Reference Eto Table — Historical Data*~~

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Season Total
Monthly Net Irrig. Requirement (Inches)	.00	.00	.00	.00	1.59	3.13	4.46	3.51	1.77	.03	.00	.00	14.49

1811 ~~* These figures are based on a 30 year average of National Weather Service Data and represent the~~
1812 ~~amount of additional irrigation required for turf grass. The figures are adjusted for turf typically~~
1813 ~~used in commercial landscaping.~~

1814 ~~——— B. The county shall within three years of the implementation of this chapter, submit an~~
1815 ~~evaluation of the WB calculation formula outlined in subsection A. The evaluation shall include a~~
1816 ~~recommendation to retain or modify the adjustment factor or components thereof, and shall be~~
1817 ~~made in consultation with groups including landscape professionals and water purveyors.~~

1818 ~~——— C. The water budget will be calculated upon the total area of the site in landscape areas~~
1819 ~~and in landscape water features (such as decorative ponds, pools or fountains) that are fed by~~
1820 ~~irrigation water. For the purpose of calculating the water budget, "landscape area" shall mean the~~
1821 ~~entire parcel, less:~~

1822 ~~——— 1. Sensitive areas and their buffers,~~

1823 ~~——— 2. The building footprint,~~

1824 ~~——— 3. Driveways,~~

1825 ~~——— 4. Paved portions of parking lots, and~~

1826 ~~——— 5. Hardscapes (e.g., decks, patios, sidewalks, and other nonporous areas).~~

1827 ~~——— D. Areas such as playgrounds, sport fields, golf courses, school yards, or other recreational~~
1828 ~~spaces where the turf provides a playing surface or serves other recreational purposes may be~~
1829 ~~allowed additional water beyond the established water budget. In order to receive additional water~~
1830 ~~for such turf areas, the applicant shall submit a statement designating such turf areas for~~
1831 ~~recreational purposes and specifying additional water needs above the water budget. This~~
1832 ~~additional water need will be based upon the Eto information for the turfgrass species or species~~
1833 ~~mix used in such turf areas.~~

1834 ~~——— E. Landscape water features shall not use potable water unless the water feature~~
1835 ~~recirculates water used in its operation.~~

1836 ~~—— F. The irrigation water use may be monitored by the water purveyor on a yearly basis after~~
1837 ~~the date of release of the performance bond.~~

1838 ~~—— G. Alternative water sources such as recycled waste water or rainwater are encouraged.~~
1839 ~~Such water sources shall not be subject to the limits of the water budget.)) (Ord. 11210 § 15,~~
1840 ~~1994).~~

1841 SECTION 42. Ordinance 11210, Section 16, and K.C.C. 21A.16.320 are each hereby
1842 repealed.

1843 ~~((The estimated water use shall be calculated using the following provisions.~~

1844 ~~—— A. Estimated water use (EWU) shall be calculated for each hydrozone by using the~~
1845 ~~following formula:~~

$$\text{EWU} = \frac{(\text{Eto}) \times (\text{PF}) \times (\text{HA}) \times (\text{CF})}{\text{IE}}$$

1848 ~~—— Eto: Referenced Evapotranspiration Rate (net seasonal irrigation requirement in inches—~~
1849 ~~see table)~~

1850 ~~—— PF: Plant factor value (see paragraph B)~~

1851 ~~—— HA: Hydrozone area (square feet)~~

1852 ~~—— CF: Conversion factor value of 0.62 (Eto inches to gallons per square foot)~~

1853 ~~—— IE: Irrigation efficiency value~~

1854 ~~—— B. Plant factor values shall be as follows, but may be adjusted pursuant to subsection~~

1855 ~~C:~~

1856 ~~—— 1. 0 to 0.3 for low water use plants,~~

1857 ~~—— 2. 0.4 to 0.6 for average water use plants, and~~

1858 ~~—— 3. 0.7 to 1.0 for high water use plants.~~

1859 ——— C. For each hydrozone, plant factor values may be determined and adjusted by the
1860 designer (based on professional judgment and applicable reference materials) considering the
1861 relevant factors such as:

1862 ——— 1. Water requirements of the various plant species proposed,

1863 ——— 2. Density of the plantings,

1864 ——— 3. Microclimate of the site, and

1865 ——— 4. Soil conditions.)) (Ord. 11210 § 16, 1994).

1866 SECTION 43. Ordinance 11210, Section 17, and K.C.C. 21A.16.330 are each hereby
1867 amended to read as follows:

1868 For purposes of this section, irrigation shall include any means of applying water to
1869 landscaped areas. All irrigation is at the applicant's option. Manually applied irrigation methods
1870 shall comply with subsections A ~~((and B))~~ through C. Irrigation applied through installed
1871 irrigation systems shall comply with subsections A through ~~((C))~~ D:

1872 A. The applicant shall provide the following information:

1873 1. Right-of-way use permit is required;

1874 2. Identity of person or entity responsible for maintenance of the irrigation; and

1875 3. Location of shut-off valves.

1876 B. Irrigation water shall be applied with goals of avoiding runoff, low head drainage,
1877 overspray, or other similar conditions where water flows onto adjacent property, nonirrigated
1878 areas, and impervious surfaces by:

1879 1. Considering soil type and infiltration rates,

1880 2. Using proper irrigation equipment and schedules, including features such as repeat
1881 cycles, to closely match application rates with infiltration rates, and

1882 3. Considering special problems posed by irrigation on slopes and in median strips.

1883 ~~((B-))~~ C. All irrigation water outlets, except those using alternative water sources, shall be

1884 downstream of the meter used to measure irrigation water use.

1885 ~~((C-))~~ D. Irrigation systems shall be subject to the following additional provisions:

1886 1. Systems shall not be located on any:

1887 a. turfgrass slopes exceeding a slope of three horizontal feet to one vertical foot (3:1),

1888 and

1889 b. turfgrass portions of median strips.

1890 2. Systems in landscape strips less than five feet in width shall be designed to ensure that

1891 overspray and/or runoff does not occur by use of system design options such as low volume

1892 emitters.

1893 3. Systems shall be designed to be consistent with the requirements of the hydrozone in

1894 which they are located.

1895 4. Systems shall be designed with the minimum average irrigation efficiency of 0.625.

1896 5. The use of automatic shutoff or override capabilities using rain shutoffs or moisture

1897 sensors is encouraged.

1898 6. Systems shall utilize a master control valve connected to an automatic controller.

1899 7. Systems shall make provisions for winterization either by providing:

1900 a. manual drains (automatic drain valves are not permitted at all low points), or

1901 b. means to blow out lines with pressurized air.

1902 8. Separate valves shall be used to irrigate plants with differing water needs.

1903 9. Sprinkler heads with consistent application rates shall be selected for proper area

1904 coverage, operating pressure, and adjustment capability. (Ord. 11210 § 17, 1994).

SECTION 44. Ordinance 11210, Section 20, and K.C.C. 21A.16.360 are each hereby repealed:

~~((21A.16.360 Water use—Irrigation schedules. Irrigation schedules consistent with the following shall be submitted:~~

~~—— A. A recommended irrigation program with monthly irrigation schedules based, at a minimum on average monthly Eto, shall be required for before and after establishment.~~

~~—— B. The irrigation schedule shall:~~

~~—— 1. Include for each station the run time (in minutes per cycle) and cycles per week,~~

~~—— 2. Indicate the amount of applied water (in the applicable billing unit used by a purveyor),~~

~~—— 3. Incorporate use of evapotranspiration data reflecting local microclimates,~~

~~—— 4. Be adjusted for additional water need in recreational areas,~~

~~—— 5. Incorporate additional operating criteria such as avoiding irrigation at times of high temperatures or winds.)) (Ord. 11210 § 20, 1994).~~

SECTION 45. Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110 are each hereby amended to read as follows:

A. Off-street parking areas shall not be located more than six hundred feet from the building they are required to serve for all uses except those specified as follows; where an off-street parking area does not abut the building it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred fifty feet from the building or buildings they are required to serve;

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the ~~((same lot))~~ site they are required to serve and at least a portion of parking areas shall be located within one hundred fifty feet from the nearest building entrance they are required to serve;

4. In designated activity, community business and neighborhood business centers, parking lots shall be located to the rear or sides of buildings. Relief from this subsection A.4 may be granted by the director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with K.C.C. 21A.18.060.

B. The minimum parking space and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E	F
---	---	---	---	---	---

PARKING ANGLE	STALL WIDTH		CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY		UNIT DEPTH 1-WAY 2-WAY	
0	0	8.0*	20.0*	8.0	12.0	20.0	**	**
		Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
		Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	30	8.0*	16.0*	15.0	10.0	20.0	**	**
		Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
		Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	45	8.0*	11.5*	17.0*	12.0	20.0	**	**
		Min 8.5	12.0		12.0	20.0	50.0	58.0
		Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	60	8.0*	9.6*	18.0	18.0	20.0	**	**
		Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
		Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90		8.0*	8.0*	16.0*	24.0	24.0	**	**
		Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
		Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

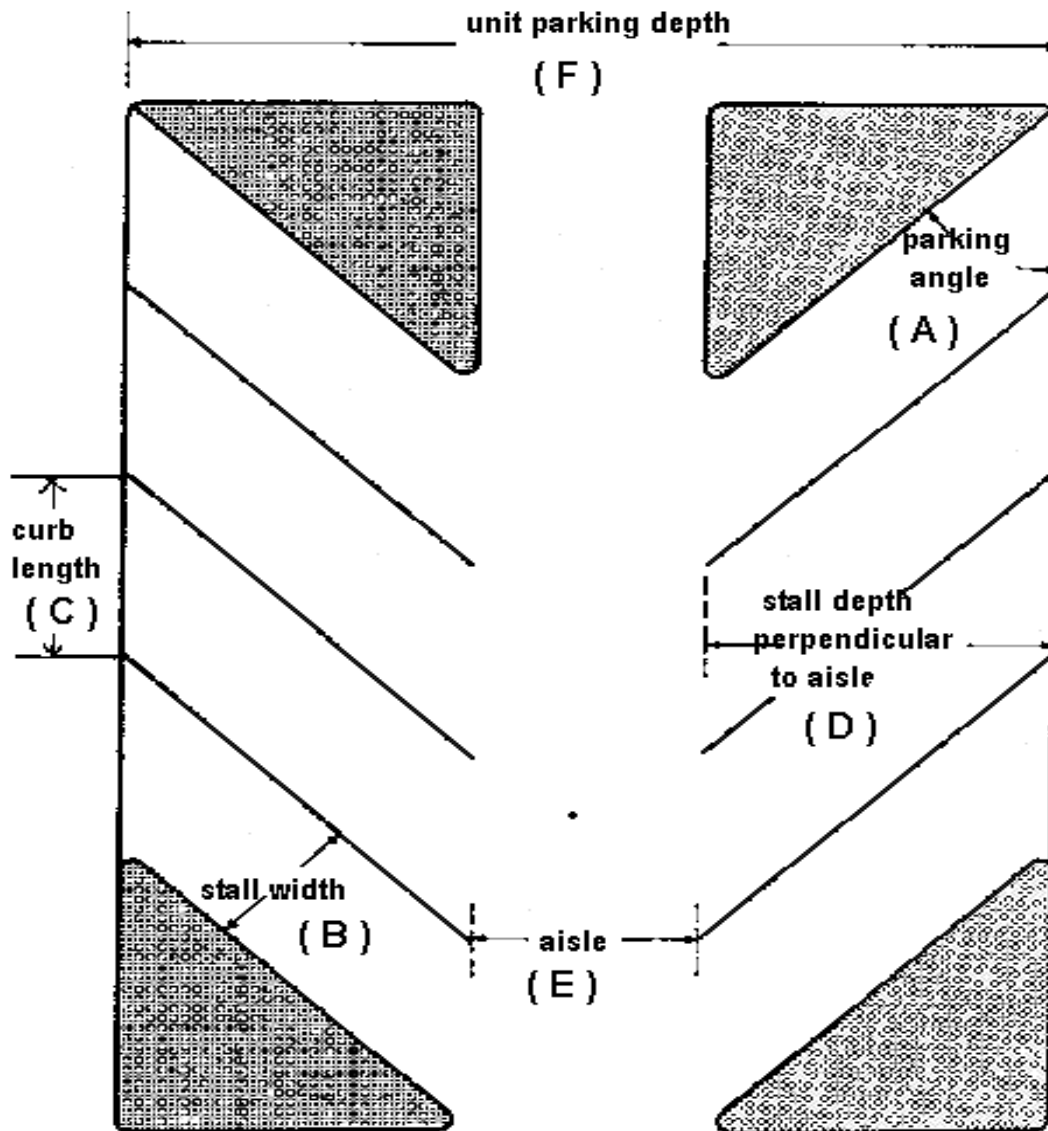
1950

* for compact stalls only

1951

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



1952

1953

1954

1955

1956

1957

1958

C. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

D. The parking space depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1959 1. Wheelstops or curbs are installed;

1960 2. The remaining walkway provides a minimum of forty-eight inches of unimpeded

1961 passageway for pedestrians;

1962 3. The amount of space depth reduction is limited to a maximum of eighteen inches; and

1963 4. Landscaping is designed in accordance with K.C.C. 21A.16.070E.

1964 E. Driveways providing ingress and egress between off-street parking areas and abutting

1965 streets shall be designed, located and constructed in accordance with K.C.C. chapter 14.42, Road

1966 Standards. Driveways for single detached dwellings, no more than twenty feet in width, may cross

1967 required setbacks or landscaped areas to provide access between the off-street parking areas and

1968 the street, provided no more than fifteen percent of the required landscaping or setback area is

1969 eliminated by the driveway. Joint use driveways may be located within required landscaping or

1970 setback areas. Driveways for all other developments may cross or be located within required

1971 setbacks or landscaped areas to provide access between the off-street parking areas and the street,

1972 if no more than ten percent of the required landscaping is displaced by the driveway and the

1973 driveway is located no closer than five feet from any property line except where intersecting the

1974 street.

1975 F. Parking spaces required under this title shall be located as follows:

1976 1. For single detached dwelling units the required parking spaces shall be outside of any

1977 required setbacks or landscaping, but driveways crossing setbacks and required landscaping may

1978 be used for parking. However, if the driveway is a joint use driveway, no vehicle parked on the

1979 driveway shall obstruct any joint user's access to the driveway or parking spaces;

1980 2. For all other developments parking spaces may be permitted by the director in setback

1981 areas in accordance with an approved landscape plan; and

1982 3. For nonresidential uses in residential zones, parking is permitted in setback areas in
1983 accordance with K.C.C. 21A.12.220.

1984 G. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It
1985 shall be designed to minimize direct illumination of abutting properties and adjacent streets. The
1986 director shall have the authority to waive the requirement to provide lighting.

1987 H. Tandem or end-to-end parking is allowed in residential developments. Apartment or
1988 townhouse developments may have tandem parking areas for each dwelling unit but shall not
1989 combine parking for separate dwelling units in tandem parking areas.

1990 I. All vehicle parking and storage for single detached dwellings must be in a garage,
1991 carport or on an approved impervious surface. Any impervious surface used for vehicle parking or
1992 storage must have direct and unobstructed driveway access.

1993 J. The total number of vehicles parked or stored outside of a building on a single family lot
1994 in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six
1995 vehicles on lots that are twelve thousand five hundred square feet or less and eight vehicles on lots
1996 that are greater than twelve thousand five hundred square feet.

1997 K. Vanpool and carpool parking areas shall meet the following minimum design standards:

1998 1. A minimum vertical clearance of seven feet three inches shall be provided to
1999 accommodate van vehicles if designated vanpool and carpool parking spaces are located in a
2000 parking structure; and

2001 2. A minimum turning radius of twenty-six feet four inches with a minimum turning
2002 diameter, curb to curb, of fifty-two feet five inches shall be provided from parking aisles to
2003 adjacent vanpool and carpool parking spaces.

L. Direct access from the street right-of-way to off-street parking areas shall be subject to K.C.C. 21A.28.120.

M. No dead-end alley may provide access to more than eight off-street parking spaces.

N. Any parking stalls located in enclosed buildings must be totally within the enclosed building. (Ord. 14309 § 10, 2002: Ord. 14045 § 47, 2001: Ord. 13022 § 25, 1998: Ord. 11978 § 16, 1995: Ord. 11621 § 65, 1994: Ord. 10870 § 415, 1993).

SECTION 46. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are each hereby amended to read as follows:

A. Within the following seven critical areas and their buffers all alterations are allowed if the alteration complies with the development standards, impact avoidance and mitigation requirements and other applicable requirements established in this chapter:

1. Critical aquifer recharge area,
2. Coal mine hazard area;
3. Erosion hazard area;
4. Flood hazard area except in the severe channel migration hazard area;
5. Landslide hazard area under forty percent slope;
6. Seismic hazard area; and
7. Volcanic hazard areas.

B. Within the following seven critical areas and their buffers, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in subsection C. of this section are allowed if the alteration complies with conditions in subsection D. of this section and the development standards, impact avoidance and mitigation requirements and other applicable requirements established in this chapter:

- 2027 1. Severe channel migration hazard area;
- 2028 2. Landslide hazard area over forty percent slope;
- 2029 3. Steep slope hazard area;
- 2030 4. Wetland;
- 2031 5. Aquatic area;
- 2032 6. Wildlife habitat conservation area; and
- 2033 7. Wildlife habitat network.
- 2034 C. In the following table where an activity is included in more than one activity category,
- 2035 the numbered conditions applicable to the most specific description of the activity governs.
- 2036 Where more than one numbered condition appears for a listed activity, each of the relevant
- 2037 conditions specified for that activity within the given critical area applies. For alterations
- 2038 involving more than one critical area, compliance with the conditions applicable to each critical
- 2039 area is required.

KEY Letter "A" in a cell means alteration is allowed. A number in a cell means the corresponding numbered condition in subsection D. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	L	O	S	A	W	B	A	B	C	W	A
	A	V	T	N	E	U	Q	U	H	I	N
	N	E	E	D	T	F	U	F	A	L	D
	D	R	E		L	F	A	F	N	D	
	S		P	B	A	E	T	E	N	L	N
	L	40%		U	N	R	I	R	E	I	E
	I		S	F	D		C		L	F	T
	D	A	L	F				A		E	W
	E	N	O	E	A		A	N	M	A	O
		D	P	R	N		R	D	I	R	R
	H		E		D		E		G	A	K
	A	B					A	S	R		
	Z	U	H					E	A		
	A	F	A				A	V	T		
	R	F	Z				N	E	I		
	D	E	A				D	R	O		
		R	R					E	N		
ACTIVITY											
Structures											

KEY												
Letter "A" in a cell means alteration is allowed.		L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E E P S L O P E H A Z A R D	A N D B U F F E R	W E T L A N D A N D	B U F F E R	A Q U A T I C A R E A N D E	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
Construction of new single detached dwelling unit						A 1		A 2				
Construction of a new tree-supported structure						A 63		A 63			A 63	
Construction of nonresidential structure						A 3		A 3			A 3, 4	
Maintenance or repair of existing structure		A 5		A		A		A			A 4	
Expansion or replacement of existing structure		A 5, 7		A 5, 7		A 7, 8		A 6, 7, 8			A 4, 7	
Interior remodeling		A		A		A		A			A	
Construction of new dock or pier						A 9		A 9, 10, 11				
Maintenance, repair or replacement of dock or pier						A 12		A 10, 11			A 4	
Grading												
Grading				A 13				A 14			A 4, 14	
Construction of new slope stabilization		A 15		A 15		A 15		A 15			A 4, 15	
Maintenance of existing slope stabilization		A 16		A 13		A 17		A 16, 17			A 4	
Mineral extraction		A		A								
Clearing												
Clearing		A 18		A 18, 19		A 18, 20		A 14, 18, 20			A 4, 14, 18, 20	
Cutting firewood				A 21		A 21		A 21			A 4, 21	
Removal of vegetation for fire safety		A 22		A 22		A 22		A 22			A 4, 22	
Removal of noxious weeds or invasive vegetation		A 23		A 23		A 23		A 23			A 4, 23	
Forest Practices												
Nonconversion Class IV-G forest practice		A 24		A 24		A 24		A 24			A 24, 25	
Class I, II, III, IV-S forest practice		A		A		A		A			A	
Roads												

KEY Letter "A" in a cell means alteration is allowed. A number in a cell means the corresponding numbered condition in subsection D. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.		L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E E P S L O P E H A Z A R D	A N D B U F F E R	W E T L A N D A N D	A Q U A T I C A R E A N D E	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
	Construction of new public road right-of-way structure on unimproved right-of-way				A 26	A 26					
	Construction of new road in a plat				A26	A26					
	Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16	A 16, 27				
	Expansion beyond public road right-of-way structure	A	A	A 26	A 26						
	Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27					
	Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28					
	Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29					
	Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27					
	Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39					
Bridges or culverts											
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27					
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27						
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 4						
Utilities and other infrastructure											
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35						
Construction or maintenance of a hydroelectric generating facility			A 65	A 65	A 4, 65						
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60						
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37						
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37						

KEY												
Letter "A" in a cell means alteration is allowed.		L	O	S	A	W	B	A	B	C	W	A
		A	V	T	N	E	U	Q	U	H	I	N
		N	E	E	D	T	F	A	F	A	L	D
A number in a cell means the corresponding numbered condition in subsection D. applies.		D	R	E		L	F	A	F	N	D	
		S		P	B	A	E	T	E	N	L	N
		L	40%		U	N	R	I	R	E	I	E
		I		S	F	D		C		L	F	T
		D	A	L	F				A		E	W
"Wildlife area and network" column applies to both Wildlife Habitat		E	N	O	E	A		A	N	M	A	O
Conservation Area and Wildlife Habitat Network.		H	D	P	R	N		R	D	I	R	R
		A	B	E		D		E		G	E	K
		Z	U	H				A	S	R	A	
		A	F	A				A	E	A		
		R	F	Z				A	V	T		
		D	E	A				N	E	I		
			R	R				D	R	O		
				D					E	N		
Maintenance or repair of on-site sewage disposal system	A			A		A		A 37			A 4	
Construction of new surface water conveyance system	A 32, 33			A 32, 33		A 32, 38		A 32, 38			A 4	
Maintenance, repair or replacement of existing surface water conveyance system	A 33			A 33		A 16, 32, 38		A 16, 40, 41			A 4, 37	
Construction of new surface water flow control or surface water quality treatment facility						A 32		A 32			A 4, 32	
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16			A 16		A 16		A 16			A 4	
Construction of new flood protection facility						A 42		A 42			A 27, 42	
Maintenance, repair or replacement of flood protection facility	A 33, 43			A 33, 43		A 43		A 43			A 27, 43	
Flood risk reduction gravel removal	A 61			A 61		A 61		A 61			A 61	
Construction of new instream structure or instream work	A 16			A 16		A 16		A 16, 44, 45			A 4, 16, 44, 45	
Maintenance or repair of existing instream structure	A 16			A		A		A			A 4	
Recreation												
Construction of new trail	A 46			A 46		A 47		A 47			A 4, 47	
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48			A 48		A 48		A 48			A 4, 48	
Habitat, education and science projects												
Habitat restoration or enhancement project	A 49			A 49		A 49		A 49			A 4, 49	
Scientific sampling for salmonids						A 50		A 50			A 50	
Drilling and testing for critical areas report	A 51			A 51		A 51, 52		A 51, 52			A 4	
Environmental education project	A 62			A 62		A 62		A 62			A 62	

KEY											
Letter "A" in a cell means alteration is allowed.	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E E P S L O P E H A Z A R D	A N D B U F F E R	W E T L A N D A N D	B U F F E R	A Q U A T I C A R E A N D E V E R E	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
A number in a cell means the corresponding numbered condition in subsection D. applies.											
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.											
Agriculture											
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53		A 53		A 53, 54		A 53, 54			A 53, 54	
Grazing livestock	A 53		A 53		A 53, 54		A 53, 54			A 53, 54	
Construction or maintenance of a commercial fish farm					A 53, 54		A 53, 54			A 53, 54	
Construction or maintenance of livestock manure storage facility					A 53, 54, 55		A 53, 54, 55, 56			A 53, 54	
Construction or maintenance of livestock flood sanctuary					A		A 56				
Construction of agricultural drainage					A 57		A 57			A 4, 57	
Maintenance of agricultural drainage	A 23, 58		A 23, 58		A 23, 53, 54, 58		A 23, 53, 54, 58			A 4, 23, 53, 54, 58	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53		A 53		A 53, 54		A 53, 54			A 53, 54	
Other											
Shoreline water dependent or shoreline water oriented use							A 64				
Excavation of cemetery graves in established and approved cemetery	A		A		A		A			A	
Maintenance of cemetery graves	A		A		A		A			A	
Maintenance of lawn, landscaping or garden for personal consumption	A 59		A 59		A 59		A 59			A 59	
Maintenance of golf course	A 17		A 17		A 17		A 17			A 4, 17	

2040 D. The following alteration conditions apply:

- 2041 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
- 2042 limitations of subsection D.3. of this section.

- 2043 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created
2044 before January 1, 2005, if:
- 2045 a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-
2046 five percent of the lake frontage, whichever constitutes the most developable lake frontage, has
2047 existing density of four dwelling units per acre or more;
- 2048 b. the development proposal, including mitigation required by this chapter, will have
2049 the least adverse impact on the critical area;
- 2050 c. existing native vegetation within the critical area buffer will remain undisturbed
2051 except as necessary to accommodate the development proposal and required building setbacks;
- 2052 d. access is located to have the least adverse impact on the critical area and critical
2053 area buffer;
- 2054 e. the alteration is the minimum necessary to accommodate the development proposal
2055 and in no case in excess of a development footprint of five thousand square feet;
- 2056 f. the alteration is no closer than twenty-five feet of the ordinary high water mark of
2057 the lake shoreline; and
- 2058 g. to the maximum extent practical, alterations are mitigated on the development
2059 proposal site by enhancing or restoring remaining critical area buffers.
- 2060 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or buffers
2061 of wetlands or aquatic areas where:
- 2062 a. the site is predominantly used for the practice of agriculture;
- 2063 b. the structure is in compliance with an approved farm management plan in
2064 accordance with K.C.C. 21A.24.051;
- 2065 c. the structure is either:

- (1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas and the area was not used for crop production;
- (2) higher in elevation and no closer to the critical area than its existing position; or
- (3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;
- d. all best management practices associated with the structure specified in the farm management plan are installed and maintained;
- e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and
- f. in a severe channel migration hazard area portion of an aquatic buffer only if:
- (1) there is no feasible alternative location on-site;
- (2) the structure is located where it is least subject to risk from channel migration;
- (3) the structure is not used to house animals or store hazardous substances; and
- (4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site.
4. Allowed if no clearing, external construction or other disturbance in a wildlife habitat conservation area occurs during breeding seasons established under K.C.C. 21A.24.382.
5. Allowed for structures when:
- a. the landslide hazard poses little or no risk of injury;
- b. the risk of landsliding is low; and

- 2089 c. there is not an expansion of the structure.
- 2090 6. Within a severe channel migration hazard area allowed for:
- 2091 a. existing legally established primary structures if:
- 2092 (1) there is not an increase of the footprint of any existing structure; and
- 2093 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 2094 b. existing legally established accessory structures if:
- 2095 (1) additions to the footprint will not make the total footprint of all existing structures
- 2096 more than one-thousand square feet; and
- 2097 (2) there is not an expansion of the footprint towards any source of channel migration
- 2098 hazard, unless the applicant demonstrates that the location is less subject to risk and has less
- 2099 impact on the critical area; and
- 2100 c. in the shoreline jurisdiction, any structures will not interfere with the natural
- 2101 hydrologic and geomorphic processes of channel migration.
- 2102 7. Allowed only in grazed wet meadows or the buffer or building setback outside a
- 2103 severe channel migration hazard area if:
- 2104 a. the expansion or replacement does not increase the footprint of a nonresidential
- 2105 structure;
- 2106 b.(1) for a legally established dwelling unit, the expansion or replacement, including
- 2107 any expansion of a legally established accessory structure (~~(or impervious surfaces)~~) allowed
- 2108 under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other
- 2109 structures by more than one thousand square feet, not including any expansion of a drainfield
- 2110 made necessary by the expansion of (~~(structures)~~) the dwelling unit. To the maximum extent
- 2111 practical, the replacement or expansion of a drainfield in the buffer should be located within

2112 areas of existing lawn or landscaping, unless another location will have a lesser impact on the
2113 critical area and its buffer;

2114 (2) for a structure accessory to a dwelling unit, the expansion or replacement is
2115 located on or adjacent to existing impervious surface areas and does not result in a cumulative
2116 increase in the footprint of the accessory structure and the dwelling unit by more than one
2117 thousand square feet;

2118 (3) the location of the expansion has the least adverse impact on the critical area; and

2119 (4) a comparable area of degraded buffer area shall be enhanced through removal of
2120 nonnative plants and replacement with native vegetation in accordance with an approved
2121 landscaping plan;

2122 c. the structure was not established as the result of an alteration exception, variance,
2123 buffer averaging or reasonable use exception; and

2124 d. to the maximum extent practical, the expansion or replacement is not located closer
2125 to the critical area or within the relic of a channel that can be connected to an aquatic area.

2126 8. Allowed upon another portion of an existing impervious surface outside a severe
2127 channel migration hazard area if:

2128 a. except as otherwise allowed under subsection D.7. of this section, the structure is
2129 not located closer to the critical area;

2130 b. except as otherwise allowed under subsection D.7. of this section, the existing
2131 impervious surface within the critical area or buffer is not expanded; and

2132 c. the degraded buffer area is enhanced through removal of nonnative plants and
2133 replacement with native vegetation in accordance with an approved landscaping plan.

2134 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or its
2135 buffer or along a lake shoreline or its buffer where:

2136 a. the vegetation where the alteration is proposed does not consist of dominant native
2137 wetland herbaceous or woody vegetation six feet in width or greater and the lack of this
2138 vegetation is not the result of any violation of law;

2139 b. the wetland or lake shoreline is not a salmonid spawning area; ~~((and))~~

2140 c. hazardous substances or toxic materials are not used; and

2141 e. if located on a freshwater lake, the pier or dock conforms to the standards for docks
2142 under K.C.C. 21A.25.190.

2143 10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are
2144 not used.

2145 11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard
2146 area if in compliance with K.C.C. 21A.25.190.

2147 12. When located on a lake, must be in compliance with K.C.C. 21A.25.190.

2148 13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading
2149 activity.

2150 14. The following are allowed in the severe channel migration hazard area if conducted
2151 more than one hundred sixty-five feet from the ordinary high water mark in the rural area and
2152 one-hundred fifteen feet from the ordinary high water mark in the urban area and if in the
2153 shoreline jurisdiction, any clearing or grading will not interfere with the natural hydrologic and
2154 geomorphic processes of channel migration:

2155 a. grading of up to fifty cubic yards on lot less than five acres; and

b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe channel migration hazard area.

15. Only where erosion or landsliding threatens a structure, utility facility, roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

16. Allowed when performed by, at the direction of or authorized by a government agency in accordance with regional road maintenance guidelines.

17. Allowed when not performed under the direction of a government agency only if:

a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and

b. when maintenance, expansion or replacement of bridges or culverts involves water used by salmonids:

(1) the work is in compliance with ditch standards in public rule; and

(2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.

18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes.

19. The limited trimming and pruning of vegetation for the making and maintenance of view corridors or habitat enhancement under a vegetation management plan approved by the department, if the soils are not disturbed and the activity will not adversely affect the long term

2178 slope stability or water quality or cause erosion. The vegetation management plan shall use
2179 native species with adequate root strength to add stability to a steep slope.

2180 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for
2181 restoration and enhancement projects is allowed.

2182 21. Cutting of firewood is subject to the following:

2183 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2184 b. within a wildlife network, cutting shall be in accordance with a management plan
2185 approved under K.C.C. 21A.24.386 by this ordinance; and

2186 c. within a critical area buffer, cutting shall be for personal use and in accordance with
2187 an approved forest management plan or rural stewardship plan.

2188 22. Allowed only in buffers if in accordance with best management practices approved
2189 by the King County fire marshal.

2190 23. Allowed as follows:

2191 a. if conducted in accordance with an approved forest management plan, farm
2192 management plan or rural stewardship plan; or

2193 b. without an approved forest management plan, farm management plan or rural
2194 stewardship plan, only if:

2195 (1) removal is undertaken with hand labor, including hand-held mechanical tools,
2196 unless the King County noxious weed control board otherwise prescribes the use of riding
2197 mowers, light mechanical cultivating equipment or herbicides or biological control methods;

2198 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2199 (3) the cleared area is revegetated with native vegetation and stabilized against
2200 erosion; and

2201 (4) herbicide use is in accordance with federal and state law;

2202 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

2203 a. a forest management plan is approved for the site by the King County department of

2204 natural resources and parks; and

2205 b. the property owner provides a notice of intent in accordance with RCW 76.09.060

2206 that the site will not be converted to nonforestry uses within six years.

2207 25. Only if in compliance with published Washington state Department of Fish and

2208 Wildlife and Washington state Department of Natural Resources Management standards for the

2209 species. If there are no published Washington state standards, only if in compliance with

2210 management standards determined by the county to be consistent with best available science.

2211 26. Allowed only if:

2212 a. there is not another feasible location with less adverse impact on the critical area

2213 and its buffer;

2214 b. the corridor is not located over habitat used for salmonid rearing or spawning or by

2215 a species listed as endangered or threatened by the state or federal government unless the

2216 department determines that there is no other feasible crossing site.

2217 c. the corridor width is minimized to the maximum extent practical;

2218 d. the construction occurs during approved periods for instream work;

2219 e. the corridor will not change or diminish the overall aquatic area flow peaks,

2220 duration or volume or the flood storage capacity; and

2221 f. no new public right-of-way is established within a severe channel migration hazard

2222 area.

2223 27. To the maximum extent practical, during breeding season established under K.C.C.
2224 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are
2225 not operated within a wildlife habitat conservation area.

2226 28. Allowed only if:

2227 a. an alternative access is not available;

2228 b. impact to the critical area is minimized to the maximum extent practical including
2229 the use of walls to limit the amount of cut and fill necessary;

2230 c. the risk associated with landslide and erosion is minimized;

2231 d. access is located where it is least subject to risk from channel migration; and

2232 e. construction occurs during approved periods for instream work.

2233 29. Only if in compliance with a farm management plan in accordance with K.C.C.
2234 21A.24.051.

2235 30. Allowed only if:

2236 a. the replacement is made fish passable in accordance with the most recent
2237 Washington state Department of Fish and Wildlife manuals or with the National Marine and
2238 Fisheries Services guidelines for federally listed salmonid species; and

2239 b. the site is restored with appropriate native vegetation.

2240 31. Allowed if necessary to bring the bridge or culvert up to current standards and if:

2241 a. there is not another feasible alternative available with less impact on the aquatic
2242 area and its buffer; and

2243 b. to the maximum extent practical, the bridge or culvert is located to minimize
2244 impacts to the aquatic area and its buffer's.

2245 32. Allowed in an existing roadway if conducted consistent with the regional road
2246 maintenance guidelines.

2247 33. Allowed outside the roadway if:

2248 a. the alterations will not subject the critical area to an increased risk of landslide or
2249 erosion;

2250 b. vegetation removal is the minimum necessary to locate the utility or construct the
2251 corridor; and

2252 c. significant risk of personal injury is eliminated or minimized in the landslide hazard
2253 area.

2254 34. Limited to the pipelines, cables, wires and support structures of utility facilities
2255 within utility corridors if:

2256 a. there is no alternative location with less adverse impact on the critical area and
2257 critical area buffer;

2258 b. new utility corridors meet the all of the following to the maximum extent practical:

2259 (1) are not located over habitat used for salmonid rearing or spawning or by a species
2260 listed as endangered or threatened by the state or federal government unless the department
2261 determines that there is no other feasible crossing site;

2262 (2) the mean annual flow rate is less than twenty cubic feet per second; and

2263 (3) paralleling the channel or following a down-valley route near the channel is
2264 avoided;

2265 c. to the maximum extent practical utility corridors are located so that:

2266 (1) the width is the minimized;

2267 (2) the removal of trees greater than twelve inches diameter at breast height is
2268 minimized;

2269 (3) an additional, contiguous and undisturbed critical area buffer, equal in area to the
2270 disturbed critical area buffer area including any allowed maintenance roads, is provided to
2271 protect the critical area;

2272 d. to the maximum extent practical, access for maintenance is at limited access points
2273 into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance
2274 road is necessary the following standards are met:

2275 (1) to the maximum extent practical the width of the maintenance road is minimized
2276 and in no event greater than fifteen feet; and

2277 (2) the location of the maintenance road is contiguous to the utility corridor on the
2278 side of the utility corridor farthest from the critical area;

2279 e. the utility corridor or facility will not adversely impact the overall critical area
2280 hydrology or diminish flood storage capacity;

2281 f. the construction occurs during approved periods for instream work;

2282 g. the utility corridor serves multiple purposes and properties to the maximum extent
2283 practical;

2284 h. bridges or other construction techniques that do not disturb the critical areas are
2285 used to the maximum extent practical;

2286 i. bored, drilled or other trenchless crossing is laterally constructed at least four feet
2287 below the maximum depth of scour for the base flood;

2288 j. bridge piers or abutments for bridge crossing are not placed within the FEMA
2289 floodway or the ordinary high water mark;

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

(1) no new transmission support structure is required; and

(2) equipment cabinets are located on the transmission support structure.

35. Allowed only for new utility facilities in existing utility corridors.

36. Allowed for private individual utility service connections on site or to public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.

38. Allowed if:

a. conveying the surface water into the wetland or aquatic area buffer and discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer than if the surface water were discharged at the buffer's edge and allowed to naturally drain through the buffer;

b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the King County Surface Water Design Manual;

c. the conveyance and outfall are installed with hand equipment where feasible;

d. the outfall shall include bioengineering techniques where feasible; and

- 2313 e. the outfall is designed to minimize adverse impacts to critical areas.
- 2314 39. Allowed only if:
- 2315 a. there is no feasible alternative with less impact on the critical area and its buffer;
- 2316 b. to the maximum extent practical, the bridge or culvert is located to minimize
- 2317 impacts to the critical area and its buffer;
- 2318 c. the bridge or culvert is not located over habitat used for salmonid rearing or
- 2319 spawning unless there is no other feasible crossing site;
- 2320 d. construction occurs during approved periods for in-stream work; and
- 2321 e. bridge piers or abutments for bridge crossings are not placed within the FEMA
- 2322 floodway, severe channel migration hazard area or waterward of the ordinary high water mark.
- 2323 40. Allowed for an open, vegetated stormwater management conveyance system and
- 2324 outfall structure that simulates natural conditions if:
- 2325 a. fish habitat features necessary for feeding, cover and reproduction are included
- 2326 when appropriate;
- 2327 b. vegetation is maintained and added adjacent to all open channels and ponds, if
- 2328 necessary to prevent erosion, filter out sediments or shade the water; and
- 2329 c. bioengineering techniques are used to the maximum extent practical.
- 2330 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 2331 a. necessary to avoid erosion of slopes; and
- 2332 b. bioengineering techniques are used to the maximum extent practical.
- 2333 42. Allowed in a severe channel migration hazard area or an aquatic area buffer to
- 2334 prevent bank erosion only:

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

b. based on a critical areas report, the department determines that the new flood protection facility will not cause significant impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

- (1) public roadways;
- (2) sole access routes in existence before February 16, 1995;
- (3) new primary dwelling units, accessory dwelling units or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:
 - (a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and
 - (b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures on abutting or adjacent properties; or
- (4) existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures if:
 - (a) the structure was in existence before the adoption date of a King County Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2358 (b) the structure is in imminent danger, as determined by a geologist, engineering
2359 geologist or geotechnical engineer;

2360 (c) the applicant has demonstrated that the existing structure is at risk, and the
2361 structure and supporting infrastructure cannot be relocated on the lot further from the source of
2362 channel migration; and

2363 (d) nonstructural measures are not feasible.

2364 43. Applies to lawfully established existing structures if:

2365 a. the height of the facility is not increased, unless the facility is being replaced in a
2366 new alignment that is landward of the previous alignment and enhances aquatic area habitat and
2367 process;

2368 b. the linear length of the facility is not increased, unless the facility is being replaced
2369 in a new alignment that is landward of the previous alignment and enhances aquatic area habitat
2370 and process;

2371 c. the footprint of the facility is not expanded waterward;

2372 d. consistent with the Integrated Streambank Protection Guidelines (Washington State
2373 Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the
2374 maximum extent practical;

2375 e. the site is restored with appropriate native vegetation and erosion protection
2376 materials; and

2377 f. based on a critical areas report, the department determines that the maintenance,
2378 repair, replacement or construction will not cause significant impacts to upstream or downstream
2379 properties.

2380 44. Allowed in type N and O aquatic areas if done in least impacting way at least
2381 impacting time of year, in conformance with applicable best management practices, and all
2382 affected instream and buffer features are restored.

2383 45. Allowed in a type S or F water when such work is:

- 2384 a. included as part of a project to evaluate, restore or improve habitat; and
- 2385 b. sponsored or cosponsored by a public agency that has natural resource management
2386 as a function or by a federally recognized tribe.

2387 46. Allowed as long as the trail is not constructed of impervious surfaces that will
2388 contribute to surface water run-off, unless the construction is necessary for soil stabilization or
2389 soil erosion prevention or unless the trail system is specifically designed and intended to be
2390 accessible to handicapped persons.

2391 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the
2392 buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:

- 2393 a. the trail surface is made of pervious materials, except that public multipurpose trails
2394 may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12.

2395 A trail that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge;

- 2396 b. to the maximum extent practical, buffers are expanded equal to the width of the trail
2397 corridor including disturbed areas;

- 2398 c. there is not another feasible location with less adverse impact on the critical area
2399 and its buffer;

- 2400 d. the trail is not located over habitat used for salmonid rearing or spawning or by a
2401 species listed as endangered or threatened by the state or federal government unless the
2402 department determines that there is no other feasible crossing site;

- e. the trail width is minimized to the maximum extent practical;
- f. the construction occurs during approved periods for instream work; and
- g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.
- h. the trail may be located across a critical area buffer for access to a viewing platform or to a permitted dock or pier;
- i. A private viewing platform may be allowed if it is:
- (1) located upland from the wetland edge or the ordinary high water mark of an aquatic area;
 - (2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or its buffer;
 - (3) limited to fifty square feet in size;
 - (4) constructed of materials that are nontoxic; and
 - (5) on footings located outside of the wetland or aquatic area.
48. Only if the maintenance:
- a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;
 - b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and
 - c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope or other improved area being maintained.
49. Limited to alterations to restore habitat forming processes or directly restore habitat function and value, including access for construction, as follows:

- 2426 a. projects sponsored or cosponsored by a public agency that has natural resource
2427 management as a primary function or by a federally recognized tribe;
2428 b. restoration and enhancement plans prepared by a qualified biologist; or
2429 c. conducted in accordance with an approved forest management plan, farm
2430 management plan or rural stewardship plan.

2431 50. Allowed in accordance with a scientific sampling permit issued by Washington
2432 state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the
2433 Endangered Species Act.

2434 51. Allowed for the minimal clearing and grading, including site access, necessary to
2435 prepare critical area reports.

2436 52. The following are allowed if associated spoils are contained:

- 2437 a. data collection and research if carried out to the maximum extent practical by
2438 nonmechanical or hand-held equipment;
2439 b. survey monument placement;
2440 c. site exploration and gage installation if performed in accordance with state-
2441 approved sampling protocols and accomplished to the maximum extent practical by hand-held
2442 equipment and; or similar work associated with an incidental take permit issued under Section 10
2443 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.

2444 53. Limited to activities in continuous existence since January 1, 2005, with no
2445 expansion within the critical area or critical area buffer. "Continuous existence" includes
2446 cyclical operations and managed periods of soil restoration, enhancement or other fallow states
2447 associated with these horticultural and agricultural activities.

2448 54. Allowed for expansion of existing or new agricultural activities where:

2449 a. the site is predominantly involved in the practice of agriculture;
2450 b. there is no expansion into an area that:
2451 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
2452 practice permit; or
2453 (2) is more than ten thousand square feet with tree cover at a uniform density more
2454 than ninety trees per acre and with the predominant mainstream diameter of the trees at least four
2455 inches diameter at breast height, not including areas that are actively managed as agricultural
2456 crops for pulpwood, Christmas trees or ornamental nursery stock;
2457 c. the activities are in compliance with an approved farm management plan in
2458 accordance with K.C.C. 21A.24.051; and
2459 d. all best management practices associated with the activities specified in the farm
2460 management plan are installed and maintained.
2461 55. Only allowed in grazed or tilled wet meadows or their buffers if:
2462 a. the facilities are designed to the standards of an approved farm management plan in
2463 accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with
2464 K.C.C. chapter 21A.30;
2465 b. there is not a feasible alternative location available on the site; and
2466 c. the facilities are located close to the outside edge of the buffer to the maximum
2467 extent practical.
2468 56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer
2469 if:
2470 a. the facilities are designed to the standards in an approved farm management plan in
2471 accordance with K.C.C. 21A.24.051;

b. there is not a feasible alternative location available on the site;
c. the structure is located where it is least subject to risk from channel migration; and
d. in the shoreline jurisdiction, any structures will not interfere with the natural hydrologic and geomorphic processes of channel migration.

57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained.

58. If the agricultural drainage is used by salmonids, maintenance shall be in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed within existing landscaped areas or other previously disturbed areas.

60. Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;

b. the residential utility service distribution lines meet the all of the following, to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

2494 (3) paralleling the channel or following a down-valley route near the channel is
2495 avoided;

2496 (4) the width of clearing is minimized;

2497 (5) the removal of trees greater than twelve inches diameter at breast height is
2498 minimized;

2499 (6) an additional, contiguous and undisturbed critical area buffer, equal in area to the
2500 disturbed critical area buffer area is provided to protect the critical area;

2501 (7) access for maintenance is at limited access points into the critical area buffer.

2502 (8) the construction occurs during approved periods for instream work;

2503 (9) bored, drilled or other trenchless crossing is encouraged, and shall be laterally
2504 constructed at least four feet below the maximum depth of scour for the base flood; and

2505 (10) open trenching across Type O or Type N aquatic areas is only used during low
2506 flow periods or only within aquatic areas when they are dry.

2507 61. Allowed if sponsored or cosponsored by the countywide flood control zone district
2508 and the department determines that the project and its location:

2509 a. is the best flood risk reduction alternative practicable;

2510 b. is part of a comprehensive, long-term flood management strategy;

2511 c. is consistent with the King County Flood Hazard Management Plan policies;

2512 d. will have the least adverse impact on the ecological functions of the critical area or
2513 its buffer, including habitat for fish and wildlife that are identified for protection in the King
2514 County Comprehensive Plan; and

2515 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2516 62.a. Not allowed in wildlife habitat conservation areas;

2517 b. Only allowed if:

2518 (1) the project is sponsored or cosponsored by a public agency whose primary

2519 function deals with natural resources management;

2520 (2) the project is located on public land or on land that is owned by a nonprofit

2521 agency whose primary function deals with natural resources management;

2522 (3) there is not a feasible alternative location available on the site with less impact to

2523 the critical area or its associated buffer;

2524 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

2525 (5) the project minimizes the footprint of structures and the number of access points

2526 to any critical areas; and

2527 (6) the project meets the following design criteria:

2528 (A) to the maximum extent practical size of platform shall not exceed one hundred

2529 square feet;

2530 (B) all construction materials for any structures, including the platform, pilings,

2531 exterior and interior walls and roof, are constructed of nontoxic material, such as nontreated

2532 wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete

2533 that the department determines will not have an adverse impact on water quality;

2534 (C) the exterior of any structures are sufficiently camouflaged using netting or

2535 equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical.

2536 The camouflage shall be maintained to retain concealment effectiveness;

2537 (D) structures shall be located outside of the wetland or aquatic area landward of

2538 the Ordinary High Water Mark or open water component (if applicable) to the maximum extent

2539 practical on the site;

2540 (E) construction occurs during approved periods for work inside the Ordinary High
2541 Water Mark;

2542 (F) construction associated with bird blinds shall not occur from March 1 through
2543 August 31, in order to avoid disturbance to birds during the breeding, nesting and rearing
2544 seasons;

2545 (G) to the maximum extent practical, provide accessibility for persons with physical
2546 disabilities in accordance with the International Building Code;

2547 (H) trail access is designed in accordance with public rules adopted by the
2548 department;

2549 (I) existing native vegetation within the critical area will remain undisturbed except
2550 as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is
2551 allowed; and

2552 (J) disturbed bare ground areas around the structure must be replanted with native
2553 vegetation approved by the department.

2554 63. Only structures wholly or partially supported by a tree and used as accessory living
2555 quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

2556 a. not allowed in wildlife habitat conservation areas or severe channel migration
2557 hazard areas;

2558 b. the structure's floor area shall not exceed two hundred square feet, excluding a
2559 narrow access stairway or landing leading to the structure;

2560 c. the structure shall be located as far from the critical area as practical, but in no case
2561 closer than seventy-five feet from the critical area;

2562 d. only one tree-supported structure within a critical area buffer is allowed on a lot;

e. all construction materials for the structure, including the platform, pilings, exterior and interior walls and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;

f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;

g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:

(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;

(2) the attachments shall be constructed using the best available tree anchor bolt technology; and

(3) an ISA Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;

h. exterior lighting shall meet the following criteria:

(1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and

(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;

i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting and rearing seasons;

j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;

k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and

l. vegetated areas within the critical area buffer that are temporarily impacted by construction of the structure shall be restored by planting native vegetation according to a vegetation management plan approved by the department.

64. Shoreline water dependent and shoreline water oriented uses are allowed in the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C. chapter _____ (the new chapter created by section 16 of Ordinance 16985), chapter 90.58 RCW and the King County Comprehensive Plan.

65. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100B.14. and only as follows:

a. there is not another feasible location with less adverse impact on the critical area and its buffer;

b. the facility and corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

c. the corridor width is minimized to the maximum extent practical;

d. the construction occurs during approved periods for instream work;

e. the corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

f. The facility and corridor is not located within a severe channel migration hazard area;

g. the facility does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

h. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

SECTION 47. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are each hereby amended to read as follows:

A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:

1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when all of the following criteria are met:

a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;

b. the proposal minimizes the adverse impact on critical areas to the maximum extent practical;

c. the approval does not require the modification of a critical area development standard established by this chapter;

d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

e. the linear alteration:

(1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility or other public infrastructure owned or operated by a public utility; or

(2) is required to overcome limitations due to gravity;

2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer; and

3. For nonlinear alterations the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:

a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;

b. the alteration is the minimum necessary to accommodate the development proposal;

c. the approval does not require the modification of a critical area development standard established by this chapter;

d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system;

f. to the maximum extent practical, access is located to have the least adverse impact on the critical area and critical area buffer;

g. the critical area is not used as a salmonid spawning area; and

h. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility.

B. The director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property as follows:

1. If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all of the following criteria are met:

a. there is no other reasonable use with less adverse impact on the critical area;

b. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and

d. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping but not including the area used for a driveway or for an on-site sewage disposal system; and

2. If the critical area, critical area buffer or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 25.32.040, as recodified by this ordinance.

C. For the purpose of this section, "linear" alteration means infrastructure that supports development, that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and utility facilities.

D. Alteration exceptions approved under this section shall meet the mitigation requirements of this chapter.

E. An applicant for an alteration exception shall submit a critical area report, as required by K.C.C. 21A.24.110. (Ord. 16985 § 122, 2010: Ord. 16267 § 42, 2008: Ord. 16172 § 2, 2008: Ord. 15051 § 142, 2004: Ord. 13190 § 19, 1998: Ord. 12196 § 54, 1996: Ord. 11621 § 73, 1994: Ord. 10870 § 454, 1993).

2695 SECTION 48. Ordinance 10870, Section 491, and K.C.C. 21A.26.020 are each hereby
2696 amended to read as follows:

2697 The following are exempt from the provisions of this chapter and shall be permitted in all
2698 zones:

2699 A. Industrial processing equipment and scientific or medical equipment using
2700 frequencies regulated by the Federal Communications Commission (FCC);

2701 B. Machines and equipment that are designed and marketed as consumer products, such
2702 as microwave ovens and remote control toys;

2703 C. The storage, shipment or display for sale of transmission equipment;

2704 D. Radar systems for military and civilian communication and navigation;

2705 E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;

2706 F. Two-way radio utilized for temporary or emergency services communications;

2707 G. Licensed amateur (Ham) radio stations and citizen band stations;

2708 H. Earth station downlink using satellite dish antennas with a diameter of less than 12
2709 feet provided that stations in excess of one dish antennas are subject to conditional use permits;

2710 I. Receive-only satellite dish antennas as an accessory use; and

2711 J. ~~((Two-way radio antennas, point-to-point microwave dishes, and cellular~~
2712 ~~radio antennas which are not located on a transmission structure (lattice towers and monopoles);~~
2713 ~~and~~

2714 ~~K.))~~ Any maintenance, reconstruction, repair or replacement of a conforming or
2715 nonconforming communication facility, transmission equipment, transmission structure or
2716 transmitter building; provided, that the transmission equipment does not result in noncompliance
2717 with K.C.C. 21A.26.100 and 21A.26.130.

L. In the event a building permit is required for any emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such emergency activities. In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities. (Ord. 10870 § 491, 1993).

SECTION 49. Ordinance 10870, Section 492, as amended, and K.C.C. 21A.26.030 are each hereby amended to read as follows:

The standards and process requirements of this chapter supersede all other review process, setback or landscaping requirements of this title. All communication facilities which are not exempt pursuant to K.C.C. 21A.26.020 shall comply with the provisions of this chapter as follows:

A. New communication facilities, with the exception of consolidations, shall comply with the provisions of K.C.C. 21A.26.020 through 21A.26.130 and K.C.C. 21A.26.160 through 21A.26.190(~~new minor communication facilities shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply~~);

B. Modified communication facilities, with the exception of consolidations, shall comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140, and K.C.C. 21A.26.160 through 21A.26.190(~~modifications to minor communication facilities shall also comply with the applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply~~);

C. Consolidations shall comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060 through 21A.26.130, and K.C.C. 21A.26.150 through 21A.26.190(~~new minor communication facilities shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply~~);

~~consolidations to minor communication facilities shall also comply with the applicable provisions of this chapter, and, in the case of conflict, the provisions of this chapter shall apply));~~
and

D. Minor communication facilities shall comply with the standards as provided in K.C.C. 21A.26.300 through 21A.26.450, as recodified by section x of this ordinance. (Ord. 13129 § 23, 1998: Ord. 10870 § 492, 1993).

SECTION 50. Ordinance 10870, Section 494, as amended, and K.C.C. 21A.26.050 are each hereby amended to read as follows:

Except as outlined for modifications and consolidations pursuant to K.C.C. 21A.26.140 and 21A.26.150 or when setbacks are increased to ensure compliance with NIER exposure limits, communication facilities shall comply with the following setbacks:

A. Transmission structures(~~(, other than those for minor communication facilities, which))~~ that do not exceed the height limit of the zone in which they are located(~~(;))~~) shall be set back from the property line as required for other structures by the zone in which such transmission structure is located;

B. Transmission structures(~~(, other than those for minor communication facilities, which))~~ that exceed the height limit of the zone in which they are located(~~(;))~~) shall be set back from property lines either a minimum of fifty feet or one foot for every foot in height, whichever results in the greater setback, except:

1. Transmission structures(~~(, other than those for minor communication facilities))~~ located in the A, F, NB, CB, RB, O or I zones shall be set back from the property line as required by the zone in which they are located; and

2. Transmission structures for minor communication facilities shall be set back from the property line as provided in K.C.C. 21A.26.320;

C. When two or more communication facilities share a common boundary, the setback from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining sites which limit development to communication facilities;
2. Of sufficient depth to provide the setbacks required in subsections A and B; and
3. ~~((which))~~ That provide for King County as a third party signatory to the agreement;

and

D. Transmitter buildings shall be subject to the setback requirements of the zone in which they are located. (Ord. 13129 § 24, 1998: Ord. 11621 § 82, 1994: Ord. 10870 § 494, 1993).

SECTION 51. Ordinance 10870, Section 503, as amended, and K.C.C. 21A.26.140 are each hereby amended to read as follows:

A. Cumulative modifications of conforming or nonconforming communication facilities, transmission structures or transmission equipment ~~((which))~~ that do not increase the overall height of the transmission structure or transmission equipment by more than thirty percent shall be allowed provided:

1. A nonconformance with respect to the transmission structure shall not be created or increased, except as otherwise provided above as to height;

2. Existing perimeter vegetation or landscaping shall not be reduced; and

3. The modification results in compliance with K.C.C. 21A.26.100 and 21A.26.130. The applicant shall provide King County a detailed certification of compliance with these provisions ~~((which))~~ that has been prepared by a licensed professional engineer.

~~((4. For minor communication facilities, the allowances for increased height established by this chapter shall be complied with.))~~

B. Except for consolidations allowed by K.C.C. 21A.26.150, modifications which increase the overall height of the transmission structure or transmission equipment by more than 30 percent shall be subject to the following provisions:

1. Applications for such transmission structures shall be reviewed pursuant to the applicable process specified in this chapter; and

2. Such transmission structures shall comply with the provisions of K.C.C. 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140~~((;))~~ and K.C.C. 21A.26.160 through 21A.26.190~~((, and Ordinance 13129, and for minor communication facilities, in case of conflict, the provisions of Ordinance 13129 shall control))~~. (Ord. 13129 § 25, 1998: Ord. 10870 § 503, 1993).

SECTION 52. Ordinance 10870, Section 505, as amended, and K.C.C. 21A.26.160 are each hereby amended to read as follows:

A. In addition to any required site plan, a permit application for ~~((any))~~ a communication facility shall also include:

1. A site plan ~~((which))~~ that shows existing and proposed transmission structures; guy wire anchors; warning signs; fencing and access restrictions;

2. A report by a licensed professional engineer demonstrating compliance with applicable structural standards of ~~((the UBC))~~ K.C.C. Title 16, and describing the general structural capacity of any proposed transmission structure(s), including:

- 2807 a. The number and type of antennas that can be accommodated; and
- 2808 b. The basis for the calculation of capacity;
- 2809 3. A report by a state licensed professional engineer that includes the following:
- 2810 a. A description of any proposed transmission tower(s) or structure(s), including
- 2811 height above grade, materials, color and lighting; and
- 2812 b. Information related to interference required by K.C.C. 21A.26.090.
- 2813 B. Where a permit for a non-exempt communication facility is required, the application
- 2814 shall also include the following information:
- 2815 1. The name and address of the operator(s) of proposed and existing antennas on the
- 2816 site;
- 2817 2. The height of any proposed antennas;
- 2818 3. Manufacture, type, and model of such antennas;
- 2819 4. Frequency, modulation and class or service;
- 2820 5. Transmission and maximum effective radiated power;
- 2821 6. Direction of maximum lobes and associated radiation;
- 2822 7. The calculated NIER levels attributable to the proposed antennas at points along the
- 2823 property line and other areas off-site which are higher than the property line points, as well as
- 2824 calculated power density (NIER levels) in areas that are expected to be unfenced on-site;
- 2825 8. For a major communication facility, if there is another major communication facility
- 2826 within one mile of the site of the proposed facility, the level of NIER at the points identified in
- 2827 subsection B.7. as measured within 30 days prior to application; and
- 2828 9. For a minor communication facility, if there is an existing major communication
- 2829 facility within one-half mile of the site of the proposed facility, the level of NIER at the points

2830 identified in subsection B.7. as measured within 30 days prior to the application. (Ord. 10870 §
2831 505, 1993).

2832 SECTION 53. K.C.C. 21A.26.300 through K.C.C. 21A.26.450 are each hereby
2833 recodified as a new chapter in K.C.C. Title 21A.

2834 SECTION 54. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are
2835 each hereby amended to read as follows:

2836 In the R₂ ~~((and))~~ UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
2837 or more home occupations as accessory activities, only if:

2838 A. The total area of the dwelling unit devoted to all home occupations shall not exceed
2839 twenty percent of the floor area of the dwelling unit.

2840 B. Areas within garages and storage buildings shall not be considered part of the dwelling
2841 unit and may be used for activities associated with the home occupation;

2842 ~~((B.))~~ C. All the activities of the home occupation or occupations shall be conducted
2843 indoors, except for those related to growing or storing of plants used by the home occupation or
2844 occupations;

2845 ~~((C.))~~ D. A home occupation or occupations is not limited in the number of employees that
2846 remain off-site. No more than one nonresident employee shall be permitted to work on-site for the
2847 home occupation or occupations;

2848 ~~((D.))~~ E. The following ~~((activities are prohibited))~~ uses, by the nature of their operation or
2849 investment, tend to increase beyond the limits permitted for home occupations or interfere with or
2850 impair the use and value of adjoining properties. Therefore, the following shall not be permitted as
2851 home occupations:

2852 1. Automobile, truck and heavy equipment repair;

- 2853 2. Autobody work or painting;
- 2854 3. Parking and storage of heavy equipment; ~~((and))~~
- 2855 4. Storage of building materials for use on other properties;
- 2856 5. Beauty salons and barber shops with more than two chairs;
- 2857 6. Temporary lodging;
- 2858 7. Churches;
- 2859 8. Dry cleaning;
- 2860 9. Equipment rental businesses;
- 2861 10. Kennel;
- 2862 11. Large item repair, including stoves, refrigerators, washers and dryers, etc.;
- 2863 12. Private clubs;
- 2864 13. Eating and drinking places;
- 2865 14. Towing services;
- 2866 15. Trucking, storage or self-storage, except for the parking or storage of one commercial
- 2867 vehicle used in the home occupation; and
- 2868 16. Veterinary clinic.

2869 ~~((E.))~~ F. In addition to required parking for the dwelling unit, on-site parking is provided as

2870 follows:

- 2871 1. One stall for each nonresident employed by the home occupations; and
- 2872 2. One stall for patrons when services are rendered on-site;

2873 ~~((F.))~~ G. Sales are limited to:

- 2874 1. Mail order sales;
- 2875 2. Telephone, Internet or other electronic commerce sales with off-site delivery; and

2876 3. Items accessory to a service provided to patrons who receive services on the premises;

2877 ~~((G.))~~ H. On-site services to patrons are arranged by appointment;

2878 ~~((H.))~~ I. The home occupation or occupations use or store a vehicle for pickup of materials

2879 used by the home occupation or occupations or the distribution of products from the site, only if:

2880 1. No more than one such a vehicle is allowed; and

2881 2. The vehicle is not stored within any required setback areas of the lot or on adjacent

2882 streets; and

2883 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one ton;

2884 ~~((I.))~~ J. The home occupation or occupations do not ~~((use electrical or mechanical~~

2885 ~~equipment that results in))~~:

2886 1. ~~((A.))~~ Use electrical or mechanical equipment that results in a change to the occupancy

2887 type of the structure or structures used for the home occupation or occupations; or

2888 2. ~~((V.))~~ Cause visual or audible interference in radio or television receivers, or electronic

2889 equipment located off-premises~~((;))~~ or ~~((3. F.))~~ fluctuations in line voltage off-premises;

2890 K. There shall be no exterior evidence of a home occupation, other than growing or storing

2891 of plants under subsection C of this section or a permitted sign, that would cause the premises to

2892 differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the

2893 generation or emission of noise, fumes, or vibrations as determined by using normal senses from

2894 any lot line or on average increase vehicular traffic by more than two additional vehicles at any

2895 given time.

2896 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00

2897 p.m.;

2898 M. The operator of the home occupation files with the department the certification
2899 required by section 57 of this ordinance; and

2900 ~~((J))~~ N. Uses not allowed as home occupations may be allowed as a home industry under
2901 K.C.C. ~~((chapter))~~ 21A.30.090. (Ord. 15606 § 19, 2006: Ord. 15032 § 37, 2004: Ord. 11621 §
2902 93, 1994: Ord. 10870 § 536, 1993).

2903 SECTION 55. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 are each
2904 hereby amended to read as follows:

2905 In the A, F and RA zones, residents of a dwelling unit may conduct one or more home
2906 occupations as accessory activities, under the following provisions:

2907 A. The total floor area of the dwelling unit devoted to all home occupations shall not
2908 exceed twenty percent of the dwelling unit.

2909 B. Areas within garages and storage buildings shall not be considered part of the dwelling
2910 unit and may be used for activities associated with the home occupation;

2911 ~~((B-))~~ C. Total outdoor area of all home occupations shall be permitted as follows:

2912 1. For any lot less than one acre: Four hundred forty square feet; and

2913 2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of
2914 five thousand square feet.

2915 ~~((C-))~~ D. Outdoor storage areas and parking areas related to home occupations shall be:

2916 1. No less than twenty-five feet from any property line; and

2917 2. Screened along the portions of such areas that can be seen from an adjacent parcel or
2918 roadway by the:

2919 a. planting of Type II landscape buffering; or

b. use of existing vegetation which meets or can be augmented with additional plantings to meet the intent of Type II landscaping.

~~((D.))~~ E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site.

~~((E.))~~ F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

~~((F.))~~ G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and
5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses

except for the following:

- a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441));
- b. electronics and appliances (NAICS Code 443); and
- c. building material and garden equipments and supplies (NAICS Code 444);

~~((G.))~~ H. The home occupation or occupations do not ~~((use electrical or mechanical equipment that results in))~~:

2943 1. ~~((A))~~ Use electrical or mechanical equipment that results in a change to the occupancy
2944 type of the structure or structures used for the home occupation or occupations;

2945 2. ~~((V))~~ Cause visual or audible interference in radio or television receivers, or electronic
2946 equipment located off-premises~~((;))~~ or ~~((3.-F))~~ fluctuations in line voltage off-premises; or

2947 3. Increase average vehicular traffic by more than two additional vehicles at any given
2948 time;

2949 ~~((H.))~~ I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
2950 p.m.;

2951 J. The following uses, by the nature of their operation or investment, tend to increase
2952 beyond the limits permitted for home occupations or interfere with or impair the use and value of
2953 adjoining properties. Therefore, the following shall not be permitted as home occupations:

2954 1. Temporary lodging;

2955 2. Churches;

2956 3. Dry cleaning;

2957 4. Equipment rental businesses;

2958 5. Kennel;

2959 6. Private clubs;

2960 7. Eating and drinking places;

2961 8. Towing services; and

2962 9. Trucking, storage or self-storage, except for the parking or storage of vehicles used in
2963 the home occupation;

2964 K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C.
2965 chapter 21A.30;

2966 L. The operator of the home occupation files with the department the certification required
2967 by section 57 of this ordinance; and

2968 ~~((H.))~~ M. The home occupation or occupations may use or store vehicles, as follows:

2969 1. The total number of vehicles for all home occupations shall be:

2970 a. for any lot five acres or less: two;

2971 b. for lots greater than five acres: three; and

2972 c. for lots greater than ten acres: four;

2973 2. The vehicles are not stored within any required setback areas of the lot or on adjacent
2974 streets; and

2975 3. The parking area for the vehicles shall not be considered part of the outdoor storage
2976 area provided for in subsection C. of this section. (Ord. 16323 § 2, 2008; 15606 § 20, 2006).

2977 SECTION 56. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are
2978 each hereby amended to read as follows:

2979 A resident may establish a home industry as an accessory activity, as follows:

2980 A. The site area is one acre or greater;

2981 B. The area of the dwelling unit used for the home industry does not exceed fifty percent
2982 of the floor area of the dwelling unit.

2983 C. Areas within attached garages and storage buildings shall not be considered part of the
2984 dwelling unit for purposes of calculating allowable home industry area but may be used for storage
2985 of goods associated with the home industry;

2986 C. No more than ~~((four))~~ six nonresidents who ~~((come to the))~~ work on-site ~~((of the home~~
2987 ~~industry are employed in the home industry))~~ at the same time;

2988 D. In addition to required parking for the dwelling unit, on-site parking is provided as
2989 follows:

- 2990 1. One stall for each non-resident employee of the home industry; and
2991 2. One stall for customer parking;

2992 E. Additional customer parking shall be calculated for areas devoted to the home industry
2993 at the rate of one stall per:

- 2994 1. One thousand square feet of building floor area; and
2995 2. Two thousand square feet of outdoor work or storage area;

2996 F. Sales are limited to items produced on-site, except for items collected, traded and
2997 occasionally sold by hobbyists, such as coins, stamps, and antiques;

2998 G. Ten feet of Type I landscaping are provided around portions of parking and outside
2999 storage areas that are otherwise visible from adjacent properties or public rights-of-way; and

3000 H. The department ensures compatibility of the home industry by:

- 3001 1. Limiting the type and size of equipment used by the home industry to those that are
3002 compatible with the surrounding neighborhood;
3003 2. Providing for setbacks or screening as needed to protect adjacent residential properties;
3004 3. Specifying hours of operation;
3005 4. Determining acceptable levels of outdoor lighting; and
3006 5. Requiring sound level tests for activities determined to produce sound levels that may

3007 be in excess of those in K.C.C. chapter 12.88. (Ord. 15606 § 21, 2006; Ord. 10870 § 537, 1993).

3008 NEW SECTION. SECTION 57. A new section is hereby added to K.C.C. chapter 21A.30
3009 to read as follows:

A person wishing to establish a home occupation shall file an agreement with the department on a form approved by the department agreeing to comply with the conditions of this chapter governing home occupations and to operate the home occupation in a manner consistent with this chapter. A new agreement shall be filed with the department every two years while the home occupation is being maintained. A person operating a home occupation in existence on the effective date of this section shall file the agreement required by this section within two years after the effective date of this section.

SECTION 58. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45, temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection E. of this section;

B. The temporary use shall not exceed a total of sixty days in any ~~((calendar year))~~ three-hundred and sixty five day period. This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit may be renewed annually for up to a total of five consecutive ~~((calendar))~~ years as follows:

1. The applicant shall make a written request and pay~~((s))~~ the applicable permit extension fees for renewal of the temporary use permit at least ~~((sixty))~~ seventy days before the earlier of the end of the permit period or the last of the events;

2. The department must determine that the temporary use is being conducted in compliance with the conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension.

SECTION 59. Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100 are each hereby amended to read as follows:

A. The purpose of the commercial/industrial special district overlay is to accommodate and support existing commercial/industrial areas outside of activity centers by providing incentives for the redevelopment of underutilized commercial or industrial lands and by permitting a range of appropriate uses consistent with maintaining the quality of nearby residential areas.

B. The commercial/industrial special district overlay shall be designated only through the area zoning process and applied to areas substantially developed with a mix of commercial and light industrial uses and zoned CB, RB, O, or I.

C. The standards of this title and other county codes shall be applicable to development within the commercial/industrial special district overlay except as follows:

3054 1. Legally-established commercial or industrial uses that exist within an area as of the
3055 effective date of legislation applying the commercial/industrial special district overlay, but that are
3056 not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that
3057 they occupied as of that date.

3058 2. Permitted uses within the area of a commercial/industrial special district overlay shall
3059 include those uses permitted in the base zone applied therein as well as permitted uses as set forth
3060 in the I zone with the exception of the following:

- 3061 a. any use permitted in the I zone requiring a conditional use permit;
- 3062 b. auction houses;
- 3063 c. livestock sales;
- 3064 d. SIC Industry Group 201 (meat products);
- 3065 e. SIC Industry Group 202 (dairy products);
- 3066 f. SIC Industry Group 204 (grain mill products);
- 3067 g. SIC Industry Group 207 (fats and oils);
- 3068 h. motor vehicle and boat dealers;
- 3069 i. SIC Major Group 24 (lumber and wood products, except furniture) except 2431
3070 (millwork) and 2434 (wood kitchen cabinets);
- 3071 j. SIC Industry Group 311 (leather tanning and finishing);
- 3072 k. SIC Major Group 32 (stone, clay, glass and concrete products);
- 3073 l. SIC Industry 3999 (manufacturing industries, not elsewhere classified) dressing of
3074 furs, fur stripping and pelts only;
- 3075 m. SIC Industry 7534 (tire retreading);
- 3076 n. SIC Major Group 02 (agricultural production--livestock and animal specialties);

o. SIC Industry 2951 (asphalt paving mixtures and blocks);
p. resource accessory uses, and
q. outdoor storage of equipment or materials occupying more than 25% of the site associated with: SIC Major Group 15 (building construction--contractors and operative builders), SIC Major Group 16 (heavy construction other than building construction--contractors), SIC Major Group 17 (construction--special trade contractors) and, SIC Industry 7312 (outdoor advertising services); provided, that such outdoor storage be visually screened from surrounding properties.

4. Uses permitted both by the base zone applied to the property and through the application of the commercial/industrial special district overlay shall be subject to the limitations on use found in the base zone in K.C.C. 21A.08 except for commercial/industrial accessory uses to which the limitations on use in the base zone shall not apply.

5. The minimum parking requirements of this title shall be reduced as follows, provided that such reductions do not apply to new construction on vacant property or the vacant portions of partially-developed property where that construction is not an enlargement or replacement of an existing building:

a. the parking stall requirements are reduced (~~((400))~~) one hundred percent provided that:

(1) the square footage of any enlargement or replacement of an existing building does not in total exceed (~~((425))~~) one hundred twenty-five percent of the square footage of the existing building;

(2) the building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

(3) there is no net decrease in existing off-street parking space.

b. the parking stall requirements are reduced ~~((50))~~ fifty percent provided that:

(1) the square footage of any enlargement or replacement of an existing building in total exceeds ~~((425))~~ one hundred twenty-five percent of the square footage of the existing building;

(2) the height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;

(3) the building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

(4) there is no net decrease in existing off-street parking spaces, unless it exceeds the minimum requirements of this subsection C.5.b.

6. The landscaping requirements of this title shall be waived, provided that:

a. street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and

b.(1) except as otherwise provided in 6.b.(2) of this subsection, any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than ~~((50))~~ fifty percent of that required by this title; and

(2) if required parking for a development proposal is located on properties outside of the district that directly abut the site, the landscape buffer required by 6.b.(1) of this section may be placed on the perimeter of the properties on which the parking is located that abut other properties outside of the district.

7. The setback requirements of this title shall be waived, provided that:

a. setback widths along any street that is not an alley forming a boundary of the overlay district shall comply with this title; and

b. any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a setback no less than ~~((50))~~ fifty percent of that required by this title.

8. The building height limits of this title shall be waived, provided that the height limit within ~~((50))~~ fifty feet of the perimeter of the overlay district shall be ~~((30))~~ thirty feet.

9. Signage shall be limited to that allowed within the CB zone.

10. The roadway improvements of the King county code shall be waived, provided a no-protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the county.

11. The pedestrian circulation requirements of this title shall be waived.

12. The impervious surface and lot coverage requirements of this title shall be waived.

D. The following standards shall be applicable to unincorporated activity centers as designated in the comprehensive plan and located within the commercial/industrial special district overlay:

1. For properties that have frontage on a pedestrian street~~((s))~~ or route~~((s))~~ as designated in an applicable plan or area zoning process, except for gasoline service stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the following conditions shall apply:

a. main building entrances shall be oriented to the pedestrian street;

b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~ five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;

c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the total pedestrian street frontage for a property, and if applicable, at least ~~((75%))~~ seventy-five percent of the total pedestrian route frontage for a property;

d. minimum side setbacks of the underlying zoning are waived;

e. building facades of ground floor retail, general business service, and professional office land uses, that front onto a pedestrian street or route shall include windows and overhead protection;

f. building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and

g. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists. (Ord. 12823 § 7, 1997; Ord. 11567 § 1, 1994).

SECTION 60. Ordinance 11621, Section 130, and K.C.C. 21A.41.110 are each hereby amended to read as follows:

A. A subsequent building permit application may contain minor modifications to an approved commercial site development plan ~~((provided a))~~ if the modification does not:

1. ~~((does not))~~ increase the building floor area by more than 10%;
2. ~~((does not))~~ increase the number of dwelling units;
3. ~~((does not))~~ increase the total impervious surface area, provided that, relocatable facilities for schools shall be exempt from this restriction; does not result in an insufficient amount of parking and/or loading;
4. ~~((does not))~~ locate buildings outside an approved building envelope, provided that, relocatable facilities for schools shall be exempt from this restriction;
5. ~~((does not))~~ change the number of ingress and egress points to the site;

~~6. ((does not))~~ significantly increase the traffic impacts of peak hour trips to and from the site; or

~~7. ((does not))~~ significantly increase the quantity of imported or exported materials or increase the area of site disturbance.

B. Modifications ~~((which))~~ that exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application. (Ord. 11621 § 130, 1994).

SECTION 61. Ordinance 10870, Section 634 (part), as amended, and K.C.C. 21A.42.140 are each hereby repealed:

Review process for high schools. [REPEAL]

~~A. The School District shall hold a public hearing on the request for a building permit on the proposed high school and may merge the public hearing for environmental review with this hearing. The hearing shall address the proposal's compliance with the applicable development standards and whether the impacts of traffic on the neighborhood have been addressed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and/or through the payment of road impact fees. The hearing may be conducted by the Board of Directors, or where authorized by board policy, by a hearing examiner appointed by the School Board. The District shall provide notice of the hearing as follows:~~

~~———— 1. by posting the property;~~

~~———— 2. by publishing in a newspaper of general circulation in the general area where the proposed high school is located;~~

~~3. by sending notices by first class mail to owners of property in an area within five hundred feet of the proposed high school, but the area shall be expanded as necessary to send mailed notices to at least twenty different property owners; and~~

~~4. by sending notices to other residents of the District that have requested notice.~~

~~B. At a regularly scheduled or special Board meeting, the Board of Directors shall adopt findings of compliance with applicable King County development standards, including the decision criteria outlined in K.C.C. chapter 21A.44, or adopt proposed actions necessary to reach compliance. If a hearing examiner has been appointed, the Board of Directors shall review and adopt or reject the hearing examiner's proposed findings and/or proposed actions. The board may include in the record any information supporting its findings or any information from prior public meetings held on the same general subject at the discretion of the Board.~~

~~C. Copies of the findings and/or the proposed actions shall be mailed to all parties of record and to the county.~~

~~D. Any aggrieved party of record may request the Board of Directors to reconsider the findings within twenty calendar days of its adoption. An aggrieved party requesting reconsideration shall submit written evidence challenging the findings or otherwise specifically identify reasons why the District has failed to reasonably comply with the applicable King County development standards or the decision criteria outlined in K.C.C. chapter 21A.44. Within thirty calendar days after a request for reconsideration has been filed with the District, the Board of Directors may reconsider and revise the findings and/or proposed actions, or may decline to reconsider. Failure to act, or to initiate the process for reconsideration by notifying the aggrieved party of record of intent to reconsider, within the thirty day period shall be deemed to constitute a decision not to reconsider.~~

~~E. The Board's final findings shall be attached to the District's building permit application and shall be considered as prima facie evidence of compliance with the applicable King County development standards. (Ord. 14045 § 57, 2001; Ord. 10870 § 634 (part), 1993).~~

SECTION 62. Ordinance 13130, Section 10, and K.C.C. 21A.42.180 are each hereby amended to read as follows:

Modifications and expansions of uses or developments authorized by an existing planned unit development approval shall be subject to the following provisions.

A. Any approved modification or expansion shall be recorded.

B. Modifications to building location (~~and~~) or dimensions shall be reviewed pursuant to the code compliance process of (~~(K.C.C. 21A.42.010 only when)~~) this chapter unless:

1. (~~No b~~) Buildings are located closer to the nearest property line(s) (~~(, and)~~); or

2. (~~No~~) An increase in square footage of buildings is proposed.

C. Modifications (~~(beyond those permitted in)~~) not exempted from the code compliance process of this chapter by subsection B of this section and all expansions (~~(,)~~) shall be subject to the approval of a conditional use permit. (Ord. 13130 § 10, 1998).

SECTION 63. Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190 are each hereby amended to read as follows:

A. The department may review and approve, pursuant to the code compliance process of (~~(K.C.C. 21A.42.030)~~) this chapter, an expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit as follows:

1. The expansion shall conform to all provisions of this title and the original land use permit, except that the project-wide amount of each of the following may be increased up to ten percent:

3237 a. building square footage((;));

3238 b. impervious surface((;));

3239 c. parking((;)); or

3240 d. building height;

3241 2. No subsequent expansions shall be approved under this subsection if the cumulative
3242 amount of such expansions exceeds the percentage prescribed in subsection A.1. of this section;

3243 3. ~~((A conditional use permit shall be required for))~~ An expansion((s)) that does not
3244 conform to the provisions of subsection A.1. of this section within a use or development authorized
3245 by an existing conditional use permit ~~((if the expansions are not consistent with the provisions of~~
3246 ~~this subsection))~~ may be approved as a conditional use; and

3247 4. ~~((A special use permit shall be required for))~~ An expansion((s)) that does not conform
3248 to the provisions of subsection A.1. of this section within a use or development authorized by an
3249 existing special use or unclassified use permit ~~((if the expansions to either permit are not~~
3250 ~~consistent with the provisions of this subsection))~~ may be approved as a special use.

3251 B. The department may review and approve, in accordance with the code compliance
3252 process of ~~((K.C.C. 21A.42.030))~~ this chapter, a modification of a use or a development authorized
3253 by an existing conditional use, special use or unclassified use permit that does not make a
3254 substantial change, as determined by the department, to the conditional use, special use or
3255 unclassified use. For the purpose of this subsection, a "substantial change" includes, but is not
3256 limited to, a change to the conditions of approval that leads to significant built or natural
3257 environmental impacts that were not addressed in the original approval or the creation of a new
3258 use.

C. This section shall not apply to modifications or expansions of telecommunication facilities, the provision for which are in K.C.C. 21A.26.140 or to modifications or expansions of nonconformances, the provisions for which are in K.C.C. 21A.32.065. (Ord. 15606 § 30, 2006: Ord. 13130 § 11, 1998).

SECTION 64. Ordinance 13263, Section 22, as amended, and K.C.C. 23.24.030 are each hereby amended to read as follows:

The notice and order shall contain the following information:

A. The address, when available, or location of the civil code violation;

B. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators;

C. A statement that the director has found the named person to have committed a civil code violation and a brief description of the violation or violations found;

D. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

E. The dollar amount of the civil penalty per separate violation;

F. A statement advising that any costs of enforcement that exceed the amount of the penalty may also be assessed against the person to whom the notice and order is directed;

G. A statement advising that the notice and order will be recorded against the property in the records and licensing services division subsequent to service;

H. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;

I. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, a director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of any persons responsible for code compliance;

J. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by a person responsible for code compliance and as a joint and several personal obligation of all persons responsible for code compliance;

K. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the hearing examiner within fourteen days of the date of service of the notice and order;

L. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent King County permit applications on the subject property;

M. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance; and

N. A statement advising the person responsible for code compliance of his or her duty to notify the director of any actions taken to achieve compliance with the notice and order.

O. A statement advising the person responsible for code compliance that there is a right to appeal any civil penalties assessed for any time period after achieving compliance with the notice and order. (Ord. 15971 § 101, 2007: 14309 § 5, 2002: Ord. 13263 § 22, 1998).

3304 SECTION 65. Ordinance 13263, Section 26, and K.C.C. 23.24.070 are each hereby
3305 amended to read as follows:

3306 A. Failure to correct a civil code violation in the manner and within the time frame
3307 specified by the notice and order subjects the person responsible for code compliance to civil
3308 penalties calculated with reference to the schedule contained in K.C.C. chapter 23.32.

3309 B. Civil penalties assessed create a joint and several personal obligation in all persons
3310 responsible for code compliance. The prosecuting attorney on behalf of King County may collect
3311 the civil penalties assessed by any appropriate legal means.

3312 C. Civil penalties assessed also authorize King County to take a lien for the value of civil
3313 penalties imposed against the real property of the person responsible for code compliance.

3314 D. The payment of penalties does not relieve a person responsible for code compliance of
3315 any obligation to cure, abate or stop a violation.

3316 E. An invoice for civil penalties shall include a statement regarding the right to appeal any
3317 civil penalties assessed for any time period after achieving compliance. (Ord. 13263 § 26, 1998).

3318 NEW SECTION. SECTION 66. There is hereby added to K.C.C. chapter 23.32 a new
3319 section to read as follows:

3320 A. The person billed in an invoice for civil penalties who believes that civil penalties were
3321 assessed for a time period after achieving compliance may file an appeal with the department. In
3322 order to be effective, a written notice and statement of appeal must be received by the department
3323 within fourteen days from the date of the invoice. The statement of appeal must include:

- 3324 1. The identity of the person filing the appeal;
- 3325 2. The address of the property where the violations were determined to exist;
- 3326 3. A description of the violations for which civil penalties were assessed; and

3327 4. A description of the actions taken to achieve compliance and the date of compliance.

3328 B. Failure to effectively appeal the assessment of civil penalties within the applicable time
3329 limits renders the invoiced amount final.

3330 NEW SECTION. SECTION 67. There is hereby added to K.C.C. chapter 23.32 a new
3331 section to read as follows:

3332 The hearing examiner shall conduct a closed record hearing on the appeal of the assessment
3333 of civil penalties. The burden is on the appellant to demonstrate by a preponderance of the
3334 evidence that civil penalties were assessed after achieving compliance. If the hearing examiner
3335 grants the appeal, the examiner shall modify the assessment of civil penalties accordingly. If the
3336 hearing examiner denies the appeal, the assessed civil penalties shall be reinstated in full. The
3337 hearing examiner's decision is final.

3338 NEW SECTION. SECTION 68. There is hereby added to K.C.C. chapter 23.32 a new
3339 section to read as follows:

3340 A. In an appeal of the assessment of civil penalties, the appellant may only challenge
3341 whether civil penalties were assessed for any time period after achieving compliance. The hearing
3342 examiner's determination is limited to finding whether civil penalties were assessed for any time
3343 period after achieving compliance and to establishing the proper penalty dates if the appeal is
3344 granted.

3345 B. The appeal of the assessment of civil penalties to the hearing examiner shall be
3346 governed by K.C.C. chapters 20.24 and 23.36, except that where specific provisions in this chapter
3347 conflict with KCC chapters 20.24 or 23.36, the provisions of this chapter shall govern.

3348 C. Upon the timely receipt of a statement of appeal, the assessment of civil penalties shall
3349 be tolled pending the hearing examiner's decision. Should the hearing examiner deny or dismiss

the appeal, the civil penalties shall be applied retroactively from the date that compliance was required in the notice and order or the compliance dates set in the hearing examiner's decision on an appeal of a notice and order.

SECTION 69. Ordinance 12020, Section 14, and K.C.C. 27A.30.030 are each hereby amended to read as follows:

The director may allow up to two reductions in performance guarantee amounts that total no more than seventy percent of the initial guarantee value, including contingencies, in accordance with the county's cost estimate of the work remaining to be completed. No more than ~~((one))~~ two reductions will be allowed ~~((except that two reductions may be allowed at the director's discretion for phased subdivisions))~~. The total ((reduction)) performance guarantee amount shall not ~~((exceed 70% of the initial guarantee value including contingency))~~ be less than the department's estimate of the actual cost to complete the remaining work. The request for reduction shall be in writing, accompanied by a schedule for completion of remaining work. (Ord. 12020 § 14, 1995).

SECTION 70. Ordinance 12020, Section 27, and K.C.C. 27A.40.070 are each hereby amended to read as follows:

A. Prior to receiving a temporary or permanent occupancy certificate for any building or structure for which Title 21A requires landscaping, an applicant shall provide the required performance guarantee to secure the completion and improvement of required landscaping, in accordance with approved site plan, within three months following issuance of the ~~((building or buildings))~~ temporary ~~((or permanent))~~ occupancy certificate~~((, whichever comes first))~~.

B. Performance guarantees for landscaping required pursuant to K.C.C. 21A.16 shall be sufficient to cover the cost of conformance with conditions of the permit, and shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation,

3373 establishment and maintenance. This time period may be extended by one year by the director, if
3374 necessary to cover a planting and growing season.

3375 C. The director may extend the time limit for compliance with the above landscaping
3376 requirement up to one year after issuance of the occupancy certificate if circumstances beyond the
3377 control of the applicant warrant an extension. The request for an extension shall be in writing,
3378 accompanied by a schedule for completion of remaining work. (Ord. 12020 § 27, 1995).